

2004

STATE OF NEBRASKA

Regulations Governing

DENTAL FACULTY LICENSES

NEBRASKA HEALTH AND HUMAN SERVICES SYSTEM



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NEBRASKA HEALTH AND HUMAN SERVICES
REGULATION AND LICENSURE

172 NAC 58

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 58 DENTAL FACULTY LICENSES

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NEBRASKA HEALTH AND HUMAN SERVICES
REGULATION AND LICENSURE

172 NAC 58

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 58 DENTAL FACULTY LICENSES

58-001 SCOPE AND AUTHORITY: These regulations apply to the issuance of faculty dental licenses pursuant to Neb. Rev. Stat. §§ 71-183 to 71-193.35 and the Uniform Licensing Law.

In addition to the requirements of 172 NAC 58, all dental faculty licensees are subject to 172 NAC 56-006 Continuing Education; 172 NAC 56-008 Procedures for Reinstatement of License; 172 NAC 56-009 Requirements for Issuance of Anesthesia Permits; and 172 NAC 56-010 Unprofessional Conduct.

58-002 DEFINITIONS:

Accredited Dental Education Institution means a school or college of dentistry that is 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.

Act means Neb. Rev. Stat. §§ 71-183 to 71-193.35, known as the Practice of Dentistry.

Attest/Attestation means that the individual declares that all statements on the application/petition are true and complete.

Board means the Board of Dentistry.

Complete Application means an application with all of the information requested on the application filled in, the signature of the applicant verified, fees and all required documentation submitted.

Continuing Education means the offering of instruction or information to licensees for the purpose of maintaining skills necessary to the safe and competent practice of Dentistry. The continuing education may be offered under such names as "scientific school", "clinic", "forum", "lecture", "course of study" or "educational seminar". In order for continuing education to be recognized for licensure renewal, it must meet the criteria for acceptance established by the Board.

Department means the Department of Health and Human Services Regulation and Licensure.

Director means the Director of Regulation and Licensure or the Chief Medical Officer if one has been appointed pursuant to Neb. Rev. Stat. § 81-3201, for performance of the duties set out in that statute.

Hour means a period of 50 minutes of formal instruction, otherwise known as a "contact hour."

Inactive Status means the voluntary termination of the right or privilege to practice dentistry or dental hygiene. The licensee retains the right or privilege to represent himself/herself as having an inactive license.

Lapsed Status means the voluntary termination of the right or privilege to represent oneself as a licensed person and to practice dentistry.

NAC means the Nebraska Administrative Code, the system for classifying State agency rules and regulations. These regulations are 172 NAC 58.

Non-Accredited Dental Education Institution means a school or college of dentistry that is not 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.

Official Transcript means issued by and under the original seal of the educational institution.

Postgraduate Education means advanced dental education programs 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, which includes dental specialties, general practice residencies and advanced education in general dentistry.

Provider means an institution or individual that presents continuing education programs to licensees and may request approval from the Department of those programs.

58-003 REQUIREMENTS FOR ISSUANCE OF DENTAL FACULTY LICENSES: Any person who wishes to practice dentistry under a dental faculty license pursuant to Neb. Rev. Stat. §71-185.03 must hold a Dental Faculty License. The criteria for issuance of a dental faculty license and the documentation required by the Department and the Board are set forth below.

58-003.01 Dental Faculty License Based on Graduation from an Accredited Dental Education Institution: An applicant for a license to practice dentistry as a faculty member at a dental education institution in the State of Nebraska on the basis of graduating from an accredited dental education institution must:

1. Have a license to practice dentistry in some other state in the United States;
2. Have a contract to be employed as a full-time faculty member at an accredited dental education institution in the State of Nebraska;

3. Pass the jurisprudence examination administered by the Board of Dentistry that relates to the statutes that govern dentistry with an average score of 75% or above;
4. Agree to demonstrate continuing clinical competency as a condition of renewal; and
5. Submit to the Department:
 - a. An official transcript from an accredited college/school of dentistry showing graduation from the college/school and sent directly to the Department from the college/school;
 - b. The following documentation from the licensing agencies of all jurisdictions where the applicant is or has ever been licensed:
 - (1) A certification may be submitted on a form provided by the Department of on an alternate format. The certification must reflect that the applicant is duly licensed, that his/her license was based on an examination, that his/her license has never been suspended or revoked, and that so far as the record of the agency is concerned, the applicant is entitled to its endorsement and should contain the following information:
 - (a) Applicant's name;
 - (b) License number;
 - (c) Date of license issuance and date of license expiration;
 - (d) Name of examination(s) taken, including examination score information if available;
 - (e) Answer the following questions either yes or no; if you answer yes, explain the circumstances and outcome:
 - [1] Has the applicant's license ever been suspended?
 - [2] Has the applicant's license ever been revoked?
 - [3] Has the applicant's license ever had any other disciplinary action taken against it?
 - [4] As far as the licensing agency's records are concerned, is the applicant entitled to your endorsement?
 - (f) Date certification was prepared;
 - (g) Signature of official from licensing agency;
 - (h) Printed name and title of official from licensing agency;
 - (i) Name and address of licensing agency; and
 - (j) Seal of the licensing agency.

- (2) The nature of disciplinary actions, if any, taken against the applicant's license or certificate;
- c. A certification to be submitted directly to the Department from the dean of an accredited dental education institution within the State of Nebraska stating that the applicant has a contract to be employed as a full-time faculty member;
- d. A completed jurisprudence examination;
- e. A copy of a birth certificate, marriage license, driver's license, or other valid verification of age;
- f. The required licensure fee pursuant to 172 NAC 58-009; and
- g. A complete application for a faculty dental license, on a form provided by the Department or on an alternate format, which includes the following information:
 - (1) Legal name;
 - (2) Place and date of birth;
 - (3) Social Security number;
 - (4) Mailing address;
 - (5) Telephone number (optional);
 - (6) Fax number (optional);
 - (7) E-mail address (optional);
 - (8) Permanent address;
 - (9) Name and location of the dental college/school attended by applicant;
 - (10) Date of graduation from the dental college/school;
 - (11) Whether the applicant's dental degree is from an accredited dental college/school or a non-accredited dental college/school;
 - (12) Answer the following questions either yes or no:
 - (a) Are you currently licensed to practice dentistry in some other state in the United States? Please list all the states where you have been or are currently licensed, including license number, issuance date and expiration date;
 - (b) Have you requested certification(s) of your dental license(s) be sent directly to the Department?
 - (c) Have you requested a certification to be submitted directly to the Department from the dean of an accredited dental education institution within the State of Nebraska stating that you have a contract to be employed as a full-time faculty member?
 - (d) Do you agree to demonstrate continuing clinical competency as a condition of renewal?
 - (e) Have you requested that a certified transcript showing graduation from an accredited dental college/school be sent directly from the college/school of dentistry to the Department

(transcripts marked "issued to student" are unacceptable)?

- (13) Answer the following questions either yes or no; if you answer yes, explain the circumstances and the outcome:
- (a) Has any state or territory of the U.S. ever taken any of the following actions against your license?
Denied Suspended Revoked Limited
 - (b) Has any licensing or disciplinary authority ever taken any of the following actions against your license?
Limited Suspended Restricted Revoked
 - (c) Has any licensing or disciplinary authority placed your license on probation?
 - (d) Have you ever voluntarily surrendered a license issued to you by a licensing or disciplinary authority?
 - (e) Have you ever voluntarily limited in any way a license issued to you by a licensing or disciplinary authority?
 - (f) Have you ever been requested to appear before any licensing agency?
 - (g) Have you ever been notified of any charges or complaints filed against you by any licensing or disciplinary authority or criminal prosecution authority?
 - (h) Have you ever been addicted to, dependent upon or chronically impaired by alcohol, narcotics, barbiturates, or other drugs which may cause physical and/or psychological dependence?
 - (i) During the past ten years, have you voluntarily entered or been involuntarily admitted to an institution or health care facility for treatment of a mental or emotional disorder/condition?
 - (j) During the last ten years, have you been diagnosed with or treated for bipolar disorder, schizophrenia, or any psychotic disorder?
 - (k) Have you ever been convicted of a felony?
 - (l) Have you ever been convicted of a misdemeanor?
 - (m) Have you ever been denied a Federal Drug Enforcement Administration (DEA) Registration or state controlled substances registration?
 - (n) Have you ever been called before any licensing agency or lawful authority concerned with DEA controlled substances?
 - (o) Have you ever surrendered your state or federal controlled substances registration?
 - (p) Have you ever had your state or federal controlled substances registration restricted in any way?

(q) Have you ever been notified of any malpractice claim against you?

(14) Sign and date the following statement: I hereby certify that the preceding information is correct to the best of my knowledge and I further certify that I am of good moral character.

58-003.02 The Department must act within 150 days upon completed applications for licensure.

58-003.03 A faculty dental licensee who graduated from an accredited dental institution may teach dentistry, conduct research, and participate in an institutionally administered faculty practice only at the accredited dental education institution where the applicant has a contract to be employed as a full-time faculty member.

58-003.04 Dental Faculty License Based on Graduation from a Non-Accredited Dental Education Institution: An applicant for a license to practice dentistry as a faculty member at a dental education institution in the State of Nebraska on the basis of graduating from a non-accredited dental education institution must:

1. Have completed at least two years of postgraduate education at an accredited dental education institution and received a certificate or degree from such institution;
2. Have a contract to be employed as a full-time faculty member at an accredited dental education institution in the State of Nebraska;
3. Pass the jurisprudence examination administered by the Board of Dentistry that relates to the statutes that govern dentistry with an average score of 75% or above;
4. Agree to demonstrate continuing clinical competency as a condition of renewal;
5. Pass the licensure examination Part I and Part II given by the Joint Commission on National Dental Examinations (JCNDE) with a score of 75 or above on each part of this examination; and
6. Submit to the Department:
 - a. Verification of graduation from a non-accredited dental college/school, sent directly from the college/school of dentistry to the Department. (Documents not printed in English must be accompanied by an official English translation.);
 - b. Verification of completion of two years of postgraduate education at an accredited dental education institution sent directly from the college/school of dentistry to the Department;
 - c. Copies of any other degrees or certificates for postgraduate education;
 - d. The following documentation from the licensing agencies of all jurisdictions where the applicant is or has ever been licensed:

(1) A certification may be submitted on a form provided by the Department or on an alternate format. The certification

must reflect that the applicant is duly licensed, that his/her license was based on an examination, that his/her license has never been suspended or revoked, and that so far as the record of the agency is concerned, the applicant is entitled to its endorsement and should contain the following information:

- (a) Applicant's name;
- (b) License number;
- (c) Date of license issuance and date of license expiration;
- (d) Name of examination(s) taken, including examination score information if available;
- (e) Answer the following questions either yes or no; if you answer yes, explain the circumstances and outcome:

- [1] Has the applicant's license ever been suspended?
- [2] Has the applicant's license ever been revoked?
- [3] Has the applicant's license ever had any other disciplinary action taken against it?
- [4] As far as the licensing agency's records are concerned, is the applicant entitled to your endorsement?

- (f) Date certification was prepared;
- (g) Signature of official from licensing agency;
- (h) Printed name and title of official from licensing agency;
- (i) Name and address of licensing agency; and
- (j) Seal of the licensing agency.

- (2) The nature of disciplinary actions, if any, taken against the applicant's license or certificate;

- e. A certification to be submitted directly to the Department from the dean of the accredited dental education institution within the State of Nebraska stating that the applicant has a contract to be employed as a full-time faculty member;
- f. A completed jurisprudence examination;
- g. Official documentation of the scores obtained on Parts I and II of the licensure examination given by the JCNDE;
- h. A copy of a birth certificate, marriage license, driver's license, or other valid verification of age;
- i. The required licensure fee; and
- j. A complete application for a faculty dental license, on a form provided by the Department or on an alternate format, which includes the following information:

- (1) Legal name;
- (2) Place and date of birth;
- (3) Social Security number;
- (4) Mailing address;
- (5) Telephone number (optional);
- (6) Fax number (optional);
- (7) E-mail address (optional);
- (8) Permanent address;
- (9) Name and location of the dental college/school attended by applicant;
- (10) Date of graduation from the dental college/school;
- (11) Whether the applicant's dental degree is from an accredited dental college/school or a non-accredited dental college/school;
- (12) Answer the following questions either yes or no:
 - (a) Are you currently licensed to practice dentistry in some other state in the United States? Please list all the states where you have been or are currently licensed, including license number, issuance date and expiration date;
 - (b) Have you requested certification(s) of your dental license(s) be sent directly to the Department?
 - (c) Have you requested a certification to be submitted directly to the Department from the dean of an accredited dental education institution within the State of Nebraska stating that you have a contract to be employed as a full-time faculty member?
 - (d) Do you agree to demonstrate continuing clinical competency as a condition of renewal?
 - (e) Have you requested that verification of graduation from a non-accredited dental college/school be sent directly from the college/school of dentistry to the Department? (Documents not printed in English must be accompanied by an official English translation.)
 - (f) Have you completed at least two years of postgraduate education at an accredited dental education institution and have you received a certificate or degree from such institution?
 - (g) Have you requested verification of the two years of postgraduate education be sent directly from the accredited dental education institution to the Department?
 - (h) Have you contacted the Joint Commission on National Dental Examinations to send your Part I and Part II National Board Dental Examination scores directly to the Department?

- (13) Answer the following questions either yes or no; if you answer yes, explain the circumstances and the outcome:
- (a) Has any state or territory of the U.S. ever taken any of the following actions against your license?
Denied Suspended Revoked Limited
 - (b) Has any licensing or disciplinary authority ever taken any of the following actions against your license?
Limited Suspended Restricted Revoked
 - (c) Has any licensing or disciplinary authority placed your license on probation?
 - (d) Have you ever voluntarily surrendered a license issued to you by a licensing or disciplinary authority?
 - (e) Have you ever voluntarily limited in any way a license issued to you by a licensing or disciplinary authority?
 - (f) Have you ever been requested to appear before any licensing agency?
 - (g) Have you ever been notified of any charges or complaints filed against you by any licensing or disciplinary authority or criminal prosecution authority?
 - (h) Have you ever been addicted to, dependent upon or chronically impaired by alcohol, narcotics, barbiturates, or other drugs which may cause physical and/or psychological dependence?
 - (i) During the past ten years, have you voluntarily entered or been involuntarily admitted to an institution or health care facility for treatment of a mental or emotional disorder/condition?
 - (j) During the last ten years, have you been diagnosed with or treated for bipolar disorder, schizophrenia, or any psychotic disorder?
 - (k) Have you ever been convicted of a felony?
 - (l) Have you ever been convicted of a misdemeanor?
 - (m) Have you ever been denied a Federal Drug Enforcement Administration (DEA) Registration or state controlled substances registration?
 - (n) Have you ever been called before any licensing agency or lawful authority concerned with DEA controlled substances?
 - (o) Have you ever surrendered your state or federal controlled substances registration?
 - (p) Have you ever had your state or federal controlled substances registration restricted in any way?
 - (q) Have you ever been notified of any malpractice claim against you?

- (14) Sign and date the following statement: I hereby certify that the preceding information is correct to the best of my knowledge and I further certify that I am of good moral character.

58-003.05 The Department must act within 150 days upon completed applications for licensure.

58-003.06 A faculty dental licensee who graduated from a non-accredited dental institution may teach dentistry, conduct research, and participate in an institutionally administered faculty practice only at the accredited dental education institution where the applicant has a contract to be employed as a full-time faculty member and must limit his/her practice at an accredited dental education institution to the clinical discipline in which s/he has received postgraduate education.

58-003.07 If an applicant has met all the requirements for dental faculty licensure pursuant to 172 NAC 58-003.01 or 58-003.04 within 90 days prior to the biennial renewal date, the applicant may:

1. Request that the Department delay the processing of the application and the issuance of the dental faculty license until the biennial renewal date and pay only the fee for initial licensure; or
2. Request that a dental faculty license which will be valid until the next subsequent renewal date be issued immediately and pay the fee for initial licensure and an additional fee of one-fourth of the biennial renewal fee.

58-004 PROCEDURES FOR RENEWAL OF A DENTAL FACULTY LICENSE: All dental faculty licenses issued by the Department under the Act and these regulations expire on March 1 of each odd-numbered year.

58-004.01 Renewal process: Any dental faculty licensee who wishes to renew his/her dental faculty license must:

1. Meet the continuing competency requirements pursuant to 172 NAC 58-006;
2. Pay the renewal fee pursuant to 172 NAC 58-009;
3. Have a contract to be employed as a full-time faculty member at an accredited dental education institution in the State of Nebraska;
4. Respond to the following questions:
 - a. Has your license in any profession in another state been revoked, suspended, limited or disciplined in any manner?
 - b. Have you been convicted of a misdemeanor or felony?These questions relate to the time period since the last renewal of the dental faculty license or during the time period since initial dental faculty licensure in Nebraska if such occurred within the two years prior to the license expiration date.

5. Cause to be submitted to the Department:

- a. The renewal notice;
- b. The renewal fee;
- c. Attestation of completing 30 hours of continuing education or continuing competency earned within 24 months of the date of expiration or application for waiver of continuing competency. Attestation to meeting continuing competency requirements satisfies the submission of the documentation requirement of Neb. Rev. Stat. § 71-110;
- d. A certification to be submitted directly to the Department from the dean of an accredited dental education institution within the State of Nebraska stating that the applicant has a contract to be employed as a full-time faculty member;
- e. If any disciplinary action was taken against the applicant's license by another state, an official copy of the disciplinary action, including charges and disposition;
- f. If the dental faculty licensee has been convicted of a felony or misdemeanor:
 - (1) Official Court Record, which includes charges and disposition;
 - (2) Copies of arrest records;
 - (3) A letter from the dental faculty licensee explaining the nature of the conviction;
 - (4) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
 - (5) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.

58-004.02 First Notice: At least 30 days before March 1 of each odd-numbered year, the Department will send a renewal notice by means of regular mail to each dental faculty licensee at the licensee's last place of residence as noted in the records of the Department. It is the responsibility of the dental faculty licensee prior to the renewal period to notify the Department of any name and/or address changes.

58-004.02A The renewal notice must specify:

1. The name of the dental faculty licensee;
2. The dental faculty licensee's last known address of record;
3. The dental faculty license number;
4. The expiration date of the dental faculty license;
5. The renewal fee pursuant to 172 NAC 58-009;
6. The number of continuing education hours or type of continued competency required for renewal;

7. The option to place the dental faculty license on either inactive or lapsed status; and
8. The requirement to provide a certification to be submitted directly to the Department from the dean of an accredited dental education institution within the State of Nebraska stating that the applicant has a contract to be employed as a full-time faculty member.

58-004.02B The dental faculty licensee must apply for renewal by submitting to the Department:

1. The renewal notice;
2. The renewal fee;
3. The dental faculty licensee's social security number;
4. Attestation of completing 30 hours of continuing education or continuing competency earned within 24 months of the date of expiration or application for waiver of continuing competency;
5. A certification to be submitted directly to the Department from the dean of an accredited dental education institution within the State of Nebraska stating that the applicant has a contract to be employed as a full-time faculty member; and
6. Documentation relating to misdemeanor or felony conviction(s) or licensure revocation, suspension, limitation or disciplinary action (if applicable).

58-004.02C If the dental faculty licensee wishes to place his/her dental faculty license on either inactive or lapsed status s/he must:

1. Request that his/her dental faculty license be placed on inactive status by submitting to the Department:
 - a. The renewal notice with a check in the box marked inactive; and
 - b. The fee of \$25; or
2. Request that his/her dental faculty license be placed on lapsed status by submitting to the Department:
 - a. The renewal notice with a check in the box marked lapsed.

58-004.02D The Department will notify the dental faculty licensee in writing of the acceptance or denial of the request to allow the dental faculty license to be placed on lapsed or inactive status.

58-004.03 Second Notice: The Department will send to each dental faculty licensee who fails to renew his/her dental faculty license or place the dental faculty license on inactive or lapsed status in response to the first notice, a second notice of renewal pursuant to 172 NAC 58-004.01 that specify:

1. That the dental faculty licensee failed to pay the renewal fee;
2. That the dental faculty license has expired;
3. That the dental faculty licensee is subject to an administrative penalty pursuant to 172 NAC 58-010 if s/he practices after the expiration date;
4. That upon receipt of the renewal fee, together with an additional late fee of \$25, documentation of continuing competency hours, and certification verifying employment as a full-time faculty member at an accredited dental education institution within the State of Nebraska within that time, no order of revocation will be entered; and
5. That upon failure to receive \$25 in addition to the regular renewal fee, and documentation of continuing competency hours, the dental faculty license will be revoked pursuant to 172 NAC 58-005.

58-004.03A The dental faculty licensee must apply for renewal by submitting to the Department:

1. The renewal notice;
2. The renewal fee and the additional late fee of \$25;
3. The dental faculty licensee's social security number;
4. Attestation by the dental faculty licensee:
 - a. That s/he has not practiced in Nebraska since the expiration of his/her dental faculty license; or
 - b. To the actual number of days practiced in Nebraska since the expiration of his/her dental faculty license;
5. Attestation of completing 30 hours of continuing education or continuing competency earned within 24 months of the date of expiration or application for waiver of continuing competency; and
6. A certification to be submitted directly to the Department from the dean of an accredited dental education institution within the State of Nebraska stating that the applicant has a contract to be employed as a full-time faculty member; and
7. Documentation relating to misdemeanor or felony conviction(s) or licensure revocation, suspension, limitation or disciplinary action (if applicable).

58-004.03B If the dental faculty licensee wishes to place his/her dental faculty license on either inactive or lapsed status s/he must:

1. Request that his/her dental faculty license be placed on inactive status by submitting to the Department:
 - a. The renewal notice with a check in the box marked inactive; and
 - b. The fee of \$25; or
2. Request that his/her dental faculty license be placed on lapsed status by submitting to the Department:

- a. The renewal notice with a check in the box marked lapsed.

58-004.03C The Department will notify the dental faculty licensee in writing of the acceptance or denial of the request to allow the dental faculty license to be placed on lapsed or inactive status.

58-004.04 When any dental faculty licensee fails, within 30 days of expiration of a dental faculty license, to pay the renewal fee, to submit documentation of continuing competency, to submit a certification verifying employment as a full-time faculty member at an accredited dental education institution within the State of Nebraska and/or to pay an additional late fee of \$25, the Department will automatically revoke the dental faculty license without further notice or hearing and make proper record of the revocation.

58-004.05 Failure to meet the continuing competency requirement for renewal within 30 days of expiration of his/her dental faculty license will constitute non-renewal of a dental faculty license, unless a waiver of continuing competency is granted or the dental faculty license is placed on inactive or lapsed status. When any dental faculty licensee fails, within 30 days of expiration of a dental faculty license, to meet the continuing competency requirements for renewal and pay an additional late fee of \$25, the Department revokes the dental faculty license after notice and opportunity for hearing. Hearings held before the Department will be conducted pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920, Administrative Procedure Act and 184 NAC 1, Rules of Practice and Procedure of the Department.

58-004.06 When the dental faculty licensee has given notification to the Department that s/he desires to have the dental faculty license lapse or be placed on inactive status upon expiration, 172 NAC 58-004.04 and 172 NAC 58-004.05 will not apply.

58-004.07 The Department may refuse to renew a dental faculty license for falsification of any information submitted for renewal of a dental faculty license. The refusal must be made pursuant to Neb. Rev. Stat. §§ 71-149 to 71-155 and 184 NAC 1, Rules of Practice and Procedure of the Department.

58-004.08 An individual who practices after expiration of his/her credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 58-010 or such other action as provided in the statutes and regulations governing the credential.

58-005 DENTAL FACULTY LICENSE REVOCATION FOR FAILURE TO MEET RENEWAL REQUIREMENTS: The Department will revoke a dental faculty license 30 days after its expiration when the dental faculty licensee fails to meet the renewal requirements.

58-005.01 Revocation for Non-payment of Renewal Fee: When a dental faculty licensee fails to pay the required renewal fee or fails to request that his/her dental faculty license be placed on either inactive or lapsed status within 30 days of its expiration, the Department will automatically revoke the license without further notice or a hearing.

58-005.01A The revocation notice specifies that:

1. The dental faculty licensee was given first and second notice of renewal requirements and the respective dates for these notices;
2. The dental faculty licensee failed to renew the dental faculty license or to request that his/her dental faculty license be placed on inactive or lapsed status;
3. The Department has revoked the dental faculty license;
4. The dental faculty licensee has a right to appeal the revocation; and
5. The dental faculty licensee has a right to reinstatement of the dental faculty license.

58-005.02 Revocation for Failure to Meet Continuing Competency Requirements or to Submit A Certification Verifying Employment as a Full-Time Faculty Member: When a dental faculty licensee fails within 30 days of the expiration of his/her dental faculty license to meet the continuing competency requirement for licensure renewal or to submit a certification verifying employment as a full-time faculty member at an accredited dental education institution within the State of Nebraska, the Department will revoke his/her dental faculty license after notice and opportunity for a hearing.

58-005.02A The revocation notice for failure to meet continuing competency requirements specifies that:

1. The dental faculty licensee was given first and second notice of failure to meet the continuing competency requirement or to submit a certification verifying employment as a full-time faculty member at an accredited dental education institution within the State of Nebraska and the respective dates of each notice;
2. The dental faculty licensee either failed to renew the dental faculty license or to have his/her dental faculty license placed on inactive or lapsed status;
3. The Department will revoke the dental faculty license within 15 days of date of receipt of the notice unless the dental faculty licensee requests in writing a hearing;
4. The dental faculty licensee has a right to appeal the revocation; and
5. The dental faculty licensee has a right to reinstatement of the dental faculty license.

58-006 CONTINUING COMPETENCY: Dental faculty licensees are required to demonstrate continuing competency as a condition for license renewal. Dental faculty licensees must be subject to the same renewal requirements as regular dental licensees and must, therefore, meet the continuing education requirements pursuant to 172 NAC 56-006.

58-007 GROUNDS ON WHICH THE DEPARTMENT MAY DENY, REFUSE RENEWAL OF, OR DISCIPLINE A DENTAL FACULTY LICENSE.

58-007.01 The Department will deny an application for a dental faculty license when the applicant fails to meet the requirements for licensure pursuant to 172 NAC 58-003 or is found to be in violation of any of the provisions of 172 NAC 58-007.03.

58-007.02 The Department will refuse renewal of a dental faculty license if the licensee fails to meet the requirements pursuant to 172 NAC 58-004, 58-007.03, or 172 NAC 56-008.05.

58-007.03 The Department may deny, refuse renewal of, limit, suspend, or revoke dental faculty licenses for any of the following grounds:

1. Fraud, forgery, or misrepresentation of material facts in procuring or attempting to procure a license;
2. Grossly immoral or dishonorable conduct evidencing unfitness or lack of proficiency sufficient to meet the standards required for practice of the profession in this state;
3. Habitual intoxication or dependence or failure to comply with a treatment program or an aftercare program entered into under the Licensee Assistance Program (LAP) established pursuant to Neb. Rev. Stat. § 71-172.01;
4. Conviction of a misdemeanor or felony under state law, federal law, or the law of another jurisdiction and which, if committed within this state, would have constituted a misdemeanor or felony under state law and which has a rational connection with the applicant's, or licensee's fitness or capacity to practice the profession;
5. Practice of the profession (a) fraudulently, (b) beyond its authorized scope, (c) with manifest incapacity, (d) with gross incompetence or gross negligence, or (e) in a pattern of negligent conduct. Pattern of negligent conduct means a continued course of negligent conduct in performing the duties of the profession;
6. Practice of the profession while the ability to practice is impaired by alcohol, controlled substances, narcotic drugs, physical disability, mental disability, or emotional disability;
7. Physical or mental incapacity to practice the profession as evidenced by a legal adjudication or a determination thereof by other lawful means;
8. Permitting, aiding, or abetting the practice of a profession or the performance of activities requiring a license, certificate, or registration by a person not licensed, certified, or registered to do so;
9. Having had his/her license, certificate, or registration denied, refused renewal, limited, suspended, or revoked or having had such license, certificate, or registration disciplined in any other manner pursuant to Neb. Rev. Stat. § 71-155 by another state or jurisdiction to practice the particular profession involved, based upon acts by the applicant, licensee, certificate holder, or registrant similar to acts described in this section. A certified copy of the record of denial, refusal of renewal, limitation, suspension, or revocation of a license, certificate, or registration or the taking of other disciplinary measures against it by another state or jurisdiction will be conclusive evidence;
10. Unprofessional conduct, which term includes all acts specified in Neb. Rev. Stat. § 71-148 and such other acts as may be defined in rules and regulations adopted and promulgated by the Board with the approval of the Department;
11. Use of untruthful or improbable statements, or flamboyant, exaggerated, or extravagant claims concerning such licensee's, certificate holder's, or registrant's professional excellence or abilities, in advertisements;

12. Conviction of fraudulent or misleading advertising or conviction of a violation of the Uniform Deceptive Trade Practices Act;
13. Distribution of intoxicating liquors, controlled substances or drugs for any other than lawful purposes;
14. Willful or repeated violations of the Uniform Licensing Law or these rules and regulations;
15. Unlawful invasion of the field of practice of any profession mentioned in the Uniform Licensing Law which the licensee, certificate holder, or registrant is not licensed, certified, or registered to practice;
16. Practicing the profession of Dentistry while his/her license is suspended or in contravention of any limitation placed upon his/her license;
17. Physical or mental illness or physical or mental deterioration or disability which would render the applicant or licensee unqualified to practice Dentistry;
18. Refusal of an applicant for a license or of a licensee to submit to a physical or mental examination request by the Board, pursuant to Neb. Rev. Stat. §§ 71-161.12 to 71-161.16 to determine his/her qualifications to practice or to continue in the practice of Dentistry;
19. Violation of the Uniform Controlled Substances Act or any rules and regulations adopted pursuant to the act;
20. Failure to file a report pursuant to Neb. Rev. Stat. § 71-168; and
21. Failure to maintain employment as a full-time faculty member of an accredited dental education institution in the State of Nebraska.

58-007.04 If the Department proposes to deny, refuse renewal of, limit, revoke, or suspend the dental faculty license of any licensee, the applicant or licensee will be given an opportunity for a hearing before the Department and will have the right to present evidence on his/her own behalf. Hearings before the Department will be conducted in accordance with the Administrative Procedure Act and 184 NAC 1, Rules of Practice and Procedure of the Department.

58-008 RE-CREDENTIALING: This section applies to individuals previously issued a Nebraska credential who have lost the legal authority to practice in total or in part and who seek the authority to return to practice in Nebraska with a valid Nebraska credential. Persons seeking reinstatement of a dental faculty license must meet the requirements for reinstatement pursuant to 172 NAC 56-008. In addition to these requirements, an applicant for reinstatement of a dental faculty license must submit a certification verifying employment as a full-time faculty member at an accredited dental education institution within the State of Nebraska.

58-009 SCHEDULE OF FEES: The following fees have been set by the Department:

1. Initial License Fee: By an applicant for a dental faculty license, the fee of \$100 and the Licensee Assistance program fee of \$1 for each year remaining during the current biennial renewal period.-
2. Proration of Initial License Fee: For issuance of a dental faculty license that will expire within 180 days after its initial issuance date, a fee of \$25 and the Licensee Assistance Program fee of \$1.
3. License Renewal Fee: By an applicant for renewal on a biennial basis of a dental faculty license, the fee of \$50 and the Licensee Assistance Program fee of \$2.

4. Inactive License Status Fee: By an applicant to have his/her dental faculty license placed on inactive status, the fee of \$25.
5. Renewal Late Fee: By an applicant for renewal on a biennial basis of a dental faculty license, who fails to pay the renewal fee on or before the expiration date of his/her dental faculty license, the fee of \$25 as a late fee in addition to the renewal fee.
6. Certification of License Fee: For issuance of a certification of a dental faculty license, the fee of \$25. The certification includes information regarding:
 - a. The basis on which a dental faculty license was issued;
 - b. The date of issuance;
 - c. Whether disciplinary action has been taken against the dental faculty license; and
 - d. The current status of the dental faculty license.
7. Verification of License Fee: For issuance of a verification of a dental faculty license, the fee of \$5. The verification includes written confirmation as to whether a dental faculty license was valid at the time the request was made.
8. Duplicate License Fee: For a duplicate original dental faculty license document or reissued dental faculty license, the fee of \$10.
9. Administrative Fee: For a denied dental faculty license or a withdrawn application, an administrative fee of \$25 will be retained by the Department, except if the fee is less than \$25, the fee will be forfeited and an examination fee will not be returned.
10. Reinstatement Late Fee: For reinstatement of a dental faculty license for failure to meet renewal requirements:
 - a. Within one year of revocation, the fee of \$35 in addition to the renewal fee.
 - b. After one year of revocation, the fee of \$75 in addition to the renewal fee.
11. Reinstatement Fee: For reinstatement following suspension, limitation or revocation for disciplinary reasons, the fee of \$75.

58-010 ADMINISTRATIVE PENALTY: The Department may assess an administrative penalty when evidence exists that a person or entity practices without a credential. Practice without a credential for the purpose of this regulation means practice:

1. Prior to the issuance of a credential;
2. Following the expiration of a credential; or
3. Prior to the reinstatement of a credential.

58-010.01 Evidence of Practice: The Department will consider any of the following conditions as prima facie evidence of practice without a credential:

1. The person admits to engaging in practice;
2. Staffing records or other reports from the employer of the person indicate that the person was engaged in practice;

3. Billing or payment records document the provision of service, care, or treatment by the person;
4. Service, care, treatment records document the provision of service, care, or treatment by the person;
5. Appointment records indicate that the person was engaged in practice;
6. Other government records indicate that the person was engaged in practice; and
7. The person or entity opens a business or practice site and announces or advertises that the business or site is open to provide service, care, or treatment.

For purposes of this regulation prima facie evidence means a fact presumed to be true unless disproved by some evidence to the contrary.

58-010.02 Penalty: The Department may assess an administrative penalty in the amount of \$10 per day, not to exceed a total of \$1,000 for practice without a credential. To assess such penalty, the Department will:

1. Provide written notice of the assessment to the person. The notice will specify:
 - a. The total amount of the administrative penalty;
 - b. The evidence on which the administrative penalty is based;
 - c. That the person may request, in writing, a hearing to contest the assessment of an administrative penalty;
 - d. That the Department will within 30 days following receipt of payment of the administrative penalty, transmit the penalty to the State Treasurer for credit to the Permanent School Fund; and
 - e. That an unpaid administrative penalty constitutes a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or sued for and recovered in a proper form of action in the name of the state in the District Court of the county in which the violator resides or owns property.
2. Send by certified mail, a written notice of the administrative penalty to the last known address of the person to whom the penalty is assessed.

58-010.03 Administrative Hearing: When a person contests the administrative penalty and requests a hearing, the Department will hold a hearing pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920 and the Department's rules and regulations adopted pursuant to these statutes.

Approved by the Attorney General on October 12, 2004

Approved by the Governor on November 3, 2004

Filed by the Secretary of State on November 3, 2004

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