

STAND. COM. REP. NO.

1005

Honolulu, Hawaii

MAR 23 2017

RE: H.B. No. 374
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
to which was referred H.B. No. 374, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO DENTAL ASSISTANTS,"

begs leave to report as follows:

The purpose and intent of this measure is to require the Auditor to conduct a sunrise analysis regarding the establishment of licensure and certification requirements for dental assistants.

Your Committee received testimony in support of this measure from the Hawaii Dental Hygienists' Association and five individuals. Your Committee received comments on this measure from the Board of Dental Examiners, Hawaii Dental Association, and one individual.

Your Committee finds that licensed and registered dentists are permitted under existing law to employ auxiliary personnel, known as dental assistants, to assist a dentist in the dentist's practice. Like dental hygienists, dental assistants are a valuable part of a dental team, and each team member plays a critical role in the execution of outstanding patient care. However, existing law does not require licensure or educational requirements or standardized training for dental assistants. It is therefore not appropriate for dental assistants to be expected or required to perform duties, activities, or functions that, if



performed by a dental hygienist, would require licensure. Your Committee further finds that the Legislature determines duty and scope of practice for licensed professionals in the State. Amendments to this measure are therefore necessary to address these concerns.

Your Committee additionally finds that thirty-eight states and the District of Columbia require some form of certification or licensure for dental assistants. Although dental assistants are not currently regulated in Hawaii, your Committee notes that through the University of Hawaii System, Kapiolani Community College does offer a dental assistant certification program that is accredited by the Commission on Dental Accreditation of the American Dental Association. Your Committee concludes that Hawaii should join the majority of other states that regulate dental assistants. Your Committee notes that requiring some form of credentialing for dental assistants in Hawaii will ensure the public is being treated by educated, trained professionals and will also emphasize the valuable role dental assistants perform within a dental team. Requesting the Auditor to examine the effects of regulation of dental assistants via the certification requirements offered by Kapiolani Community College is therefore appropriate.

Your Committee has amended this measure by:

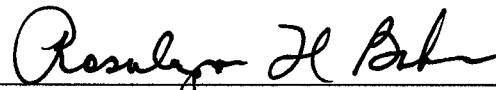
- (1) Inserting the contents of S.B. No. 344, S.D. 1, a substantially similar measure, which:
 - (A) Clarifies the allowable and prohibited practices requirements for dental assistants;
 - (B) Clarifies that rules shall not infringe upon, overlap with, or conflict with the duties and scope of practice for other licensed professionals;
 - (C) Prohibits persons from employing, directing, or ordering a dental assistant or other person to perform services or procedures within the scope of practice of dental hygiene; and
 - (D) Inserts an effective date of July 1, 2017;



- (2) Clarifying that the Auditor shall conduct a study on the effects of regulation of dental assistants in the State via the certification requirements for dental assistants offered by Kapiolani Community College; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 374, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 374, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Health,



ROSALYN H. BAKER, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:* HB 374, HD 2	Committee Referral: CPH, WAM	Date: 3/14/17		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	/			
NISHIHARA, Clarence K. (VC)	/			
CHANG, Stanley	/			
ESPERO, Will	/			
IHARA, Jr., Les	/			
KIDANI, Michelle N.	/			
RUDERMAN, Russell E.	/			<i>John</i>
TOTAL	7			0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center;"><i>Clarence K. Nishihara</i></div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes