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# A BILL FOR AN ACT

RELATING TO DENTAL HYGIENISTS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that dental hygienists  
2 are highly-trained, important members of an oral health team who  
3 administer a range of oral health services to patients.  
4 However, under current law, licensed dental hygienists must  
5 operate under the direct supervision of a licensed dentist in  
6 most circumstances, meaning that a supervising licensed dentist  
7 must examine and diagnose the condition to be treated, authorize  
8 each procedure, and remain in the office or facility while the  
9 act or procedure is being performed.

10           The legislature further finds that when a dental hygienist  
11 operates under general supervision, the supervising licensed  
12 dentist must still examine and diagnose the condition to be  
13 treated and authorize each procedure to be carried out but the  
14 dentist is not required to be physically present during the  
15 delegated act or procedure. Under general supervision, the  
16 dentist must still be available for consultation even if not  
17 physically present during the delegated act or procedure and is



1 still responsible for all delegated acts and procedures  
2 performed by the licensed dental hygienist. Permitting licensed  
3 dental hygienists to operate under general supervision, rather  
4 than direct supervision, when treating patients of record with  
5 an established treatment plan will give dentists more  
6 flexibility in their practices, enable the dentistry profession  
7 to keep pace with increased patient need, and still maintain  
8 safeguards for patients.

9 Accordingly, the purpose of this Act is to permit licensed  
10 dental hygienists in the State to operate under the general  
11 supervision of a licensed dentist in specified circumstances.

12 SECTION 2. Section 447-1, Hawaii Revised Statutes, is  
13 amended by amending subsection (f) to read as follows:

14 "(f) No person shall practice dental hygiene, either  
15 gratuitously or for pay, or shall offer or attempt so to  
16 practice, or shall advertise or announce publicly or privately  
17 as being prepared or qualified so to practice without having a  
18 license as provided in this section. The original or a copy of  
19 the certificate of licensure shall be prominently displayed at  
20 all times in the workplace where the dental hygienist is  
21 employed or practices. A dental hygienist's pocket



1 identification card shall be readily available for viewing upon  
2 request to ensure the license is current. A licensed dental  
3 hygienist shall practice only under the supervision of a  
4 licensed dentist as provided in this chapter; provided that a  
5 licensed dental hygienist [~~shall administer~~]:

6 (1) May administer under the direct supervision of a  
7 licensed dentist only those categories of intra-oral  
8 block anesthesia listed in the course content  
9 submitted to the board pursuant to subsection (a) [-];

10 (2) May practice under the general supervision of a  
11 licensed dentist and pursuant to an existing treatment  
12 plan with respect to patients of record who have had  
13 an examination by the licensed dentist; provided that  
14 a licensed dental hygienist shall not perform any  
15 irreversible procedure or administer any intra-oral  
16 block anesthesia under general supervision; and

17 (3) May practice under the direct supervision of a  
18 licensed dentist as provided in this chapter."

19 SECTION 3. Section 447-3, Hawaii Revised Statutes, is  
20 amended by amending subsections (b), (c), and (d) to read as  
21 follows:



1           "(b) Clinical dental hygiene may be practiced by a  
2 licensed dental hygienist. The practice of clinical dental  
3 hygiene is defined as the removal of hard and soft deposits and  
4 stains from the portion of the crown and root surfaces to the  
5 depth of the gingival sulcus, polishing natural and restored  
6 surfaces of teeth, the application of preventive chemical agents  
7 to the coronal surfaces of teeth, which chemical agents have  
8 been approved by the board of dental examiners, and the use of  
9 mouth washes approved by the board, but shall not include the  
10 performing of any repair work or the preparation thereof, or any  
11 other operation on the teeth or tissues of the mouth; provided  
12 that nothing in this subsection shall prohibit a dental  
13 hygienist from using or applying topically any chemical agent  
14 which has been approved in writing by the department of health  
15 for any of the purposes set forth in part V of chapter 321, and  
16 other procedures delegated by a dentist in accordance with the  
17 rules of the board of dental examiners.

18           In addition, a licensed dental hygienist may administer  
19 intra-oral infiltration local anesthesia and intra-oral block  
20 anesthesia under the [~~direct~~] supervision of a dentist as  
21 provided in section 447-1(f) after being certified by the board,



1 and for those categories of intra-oral infiltration local  
2 anesthesia and intra-oral block anesthesia for which the  
3 licensed dental hygienist has been certified through a course of  
4 study meeting the requirements of this chapter.

5 (c) A licensed dental hygienist may operate in the office  
6 of any licensed dentist, or legally incorporated eleemosynary  
7 dental dispensary or infirmary, private school, welfare center,  
8 hospital, nursing home, adult day care center or assisted living  
9 facility, mental institution, nonprofit health clinic, or in any  
10 building owned or occupied by the State or any county, but only  
11 under the aforesaid employment and under the direct or general  
12 supervision of a licensed dentist [~~provided that in the private~~  
13 ~~practice of dentistry, the hygienist shall be under the direct~~  
14 ~~supervision of a licensed dentist.] as provided in section 447-  
15 1(f). No dental hygienist may establish or operate any separate  
16 care facility which exclusively renders dental hygiene services.~~

17 (d) A licensed dental hygienist may operate under the  
18 [~~general or direct] supervision as provided in section 447-1(f)~~

19 of any licensed dentist providing dental services in a public  
20 health setting. As used in this subsection, "public health  
21 setting" includes dental services in a legally incorporated



1 eleemosynary dental dispensary or infirmary, private school,  
2 welfare center, hospital, nursing home, adult day care center or  
3 assisted living facility, mental institution, nonprofit health  
4 clinic, or the State or any county. A licensed dental hygienist  
5 employed in a public health setting may perform dental  
6 education, dental screenings, and fluoride applications. Other  
7 permissible duties shall be pre-screened and authorized by a  
8 supervising licensed dentist, subject to the dentist's  
9 determination that the equipment and facilities are appropriate  
10 and satisfactory to carry out the recommended treatment plan.  
11 No direct reimbursements shall be provided to licensed dental  
12 hygienists."

13 SECTION 4. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 5. This Act shall take effect on July 1, 2090.



**Report Title:**

Dental Hygienists; Dentists; Supervision

**Description:**

Permits licensed dental hygienists in the State to operate under general, rather than direct, supervision of a licensed dentist in specified circumstances that protect patient health and safety. (HB563 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

