A BILL FOR AN ACT

RELATING TO DENTAL ASSISTANTS.

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

SECTION 1. The legislature finds that the proper standardization and regulation of dental assistants is necessary to ensure the health, safety, and well-being of the State's citizens. Currently, Hawaii is one of only a handful of states that does not require dental assistants to be certified, and the legislature finds that this exposes patients to unnecessary risks. The legislature further finds that establishing minimum requirements for dental assistants, including educational requirements, will ensure that dental patients receive the best available care.

Accordingly, the purpose of this Act is to establish minimum requirements for dental assistants in Hawaii, including:

(1) Requiring an individual hired as a dental assistant on or after July 1, 2021, to hold a cardiopulmonary resuscitation certification and complete a two-semester program accredited by the American Dental Association Commission on Dental Accreditation;
(2) Requiring all dental assistants employed as of July 1, 2020, to obtain a cardiopulmonary resuscitation certification by July 1, 2021;

(3) Requiring an individual employed as a dental assistant for less than five years as of July 1, 2020, to provide proof of enrollment in a two-semester program accredited by the American Dental Association Commission on Dental Accreditation;

(4) Exempting an individual employed as a dental assistant for at least five years as of July 1, 2020, from the education requirements for dental assistants; provided that the individual has no history of complaints filed with the board of dentistry; and

(5) Clarifying the allowable and prohibited practices of dental assistants.

SECTION 2. Chapter 448, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§448- Dental assistants; requirements; allowed and prohibited practices. (a) All individuals hired as dental assistants in this State on or after July 1, 2021, shall:
(1) Hold a cardiopulmonary resuscitation certification;
and

(2) Provide proof to the board that the dental assistant
has successfully completed a two-semester program
accredited by the American Dental Association
Commission on Dental Accreditation.

(b) An individual employed as a dental assistant as of
July 1, 2020, shall obtain a cardiopulmonary resuscitation
certification by July 1, 2021.

(c) An individual employed as a dental assistant for less
than five years as of July 1, 2020, shall provide proof to the
board that the individual has enrolled in a two-semester program
accredited by the American Dental Association Commission on
Dental Accreditation by July 1, 2021.

(d) An individual employed as a dental assistant for at
least five years as of July 1, 2020, shall be exempt from the
education requirement under subsection (a)(2); provided that the
individual has no history of complaints filed with the board.

(e) A dental assistant may perform the following
supportive dental procedures under the direct supervision,
direction, evaluation, and responsibility of a licensed dentist:
(1) Assisting a licensed dentist who is actually performing a dental procedure on a patient, including:

(A) Preparing procedural trays or armamentaria set-ups;

(B) Retracting a patient's oral tissues to maintain the field of operation during the dental procedure;

(C) Removing debris, as is normally created and accumulated during or after operative procedures by the dentist;

(D) Placing and removing the rubber dam;

(E) Mixing dental materials; and

(F) Transferring dental instruments or any other concept of four-handed dentistry the dentist requires to perform the procedure;

(2) Assisting a licensed dental hygienist in the performance of the duties of the dental hygienist; provided that the assistance shall not include procedures included in subsection (f);

(3) Collecting medical and dental histories, taking intra-oral and extra-oral photographs, and recording or
charting clinical findings as dictated by a licensed
dentist or dental hygienist;

(4) Completing prescription and authorization forms for
drug or restorative, prosthodontic, or orthodontic
appliance for the supervising licensed dentist;
provided that the licensed dentist signs the forms;

(5) Conducting mouth mirror supragingival inspections and
reporting observations to the supervising licensed
dentist; provided that the inspection and reporting
observations shall not be interpreted as an oral
cancer screening;

(6) Exposing, processing, mounting, and labeling
radiographs;

(7) Making impressions for study casts; opposing models;
occlusal appliances, such as splints and bite guards;
mouth guards; orthodontic retainers; and medicament
trays;

(8) Making intra-oral measurements for orthodontic
procedures; performing the preliminary selection and
sizing of bands; checking for loose bands and bonded
brackets; placing and removing orthodontic separators,
ligature ties, and inter-arch elastics, including
chain elastics and rubber bands; fitting and removing
head appliances; and removing arch wires;
(9) Measuring and recording vital signs;
(10) Monitoring the nitrous oxide/oxygen unit and reporting
to the supervising dentist any adverse observations;
provided that the licensed dentist shall evaluate,
initiate, and administer the sedation;
(11) Placing matrix retainers;
(12) Placing non-aerosol topical anesthetics;
(13) Relating pre-operative and post-operative instructions
and patient education in oral hygiene as instructed by
the supervising licensed dentist or licensed dental
hygienist;
(14) Removing dressing and sutures;
(15) Removing excess supragingival cement after a licensed
dentist has placed a permanent or temporary prosthetic
restoration, appliance, or orthodontic band with hand
instruments; and
(16) Performing a try-in with any removable prosthetic or
orthodontic appliance; provided that the supervising
licensed dentist shall make the adjustments.

(f) A dental assistant shall not perform any activity
deemed to be irreversible so as to cause change in the affected
hard or soft tissues and is permanent, may require
reconstructive or corrective procedures, or represents the
practice of dentistry and dental hygiene or requires the
knowledge, skill, and training of a licensed dentist or licensed
dental hygienist, including the following procedures and intra-
oral functions:

(1) Administering local anesthetic, sedation, or general
anesthesia;

(2) Cementing, bonding, and adjusting any part of a
prosthesis or appliance worn in the mouth;

(3) Cementing or re-cementing, finishing margins,
performing a try-in, and adjusting the occlusion of a
temporary or permanent fixed prosthetic restoration,
or placing cement bases;

(4) Cementing bands and brackets or activating any
orthodontic appliance;
Establishing occlusal vertical dimension, making bite registrations, or making face-bow transfers;

Examining, diagnosing, or prescribing a treatment plan;

Making final impressions, which would lead to the fabrication of any appliance or prosthesis that, when worn by the patient, would come in direct contact with hard or soft tissues with the exception of the procedures listed in subsection (e)(7);

Performing any endodontic procedure to ream, file, irrigate, medicate, dry, try-in cores, or fill root canals, or establishing the length of the tooth;

Performing any surgical or cutting procedures on hard or soft tissues, extracting teeth, or suturing;

Placing, condensing, carving, finishing, or adjusting the occlusion of final restorations; or placing cavity liners, medicaments, or pulp cap materials;

Placings materials subgingivally including but not limited to prescriptive medicaments, retraction cords, and other devices that are used for tissue displacement;
(12) Prescribing medications or authorizing the fabrication of any restorative, prosthodontic, or orthodontic appliances;
(13) Performing pulp vitality tests or other non-surgical clinical and laboratory oral diagnostic tests;
(14) Using ultrasonic instruments or polishing natural or restored surfaces;
(15) Applying pit and fissure sealants;
(16) Performing non-surgical periodontal scaling and root planing, and periodontal maintenance;
(17) Performing dental prophylaxis, coronal polish natural or restored surfaces, or removing overhangs;
(18) Placing periodontal dressing;
(19) Collecting, documenting, and assessing comprehensive patient data including but not limited to screenings for oral cancer, periodontal chartings, indices, and risk assessments, which identify dental hygiene needs;
(20) Establishing a dental hygiene care plan that reflects dental hygiene goals and strategies; or
(21) Providing dental hygiene care including but not limited to pain management, full mouth debridement,
care of restorations, behavior modification, or preventative education and nutrition counseling as it relates to oral health."

SECTION 3. Section 448-3, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) A duly licensed and registered dentist may employ auxiliary personnel, other than registered dental hygienists, to assist the dentist in the practice of dentistry. These employees shall be known as dental assistants and shall perform all duties assigned to them under the supervision, direction and responsibility of the dentist[,] pursuant to section 488-__."]

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

SECTION 5. This Act shall take effect on July 1, 2020.

INTRODUCED BY: [Signature]
Report Title:
Dental Assistants; Minimum Requirements; Certifications

Description:
Establishes minimum requirements for dental assistants. Clarifies the allowable and prohibited practices by dental assistants.

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