

JAN 27 2016

A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. The purpose of this Act is to:

2 (1) Clarify the requirements for who may become a dental
3 hygienist; and

4 (2) Ensure patient safety by prohibiting dental assistants
5 from rendering dental services that require a degree
6 of knowledge, skill, and training not attained by
7 these unlicensed employees.

8 SECTION 2. Section 447-1, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) Any person:

11 (1) Eighteen years of age or over;

12 (2) Who has a diploma or proper certificate of graduation
13 from a dental hygiene school accredited by the
14 American Dental Association Commission on Dental
15 Accreditation that requires at least a two year course
16 and is recognized by the board of dental examiners;



1 (3) Who has been officially certified in the
2 administration of intra-oral infiltration local
3 anesthesia [~~and intra-oral block anesthesia~~] by an
4 accredited dental hygiene school or by a certification
5 program previously approved by the board; [~~and~~]

6 (4) Who has been officially certified in the
7 administration of intra-oral block anesthesia by an
8 accredited dental hygiene school or by a certification
9 program previously approved by the board; and

10 [~~(4)~~] (5) Who has passed the National Board Dental Hygiene
11 Examination;

12 upon written application made to and filed with the board may be
13 examined for qualification as a dental hygienist.

14 An application shall be accompanied by the applicant's
15 certificate of graduation from an accredited dental hygiene
16 school, documentary proof of the applicant's certification in
17 the administration of intra-oral infiltration local anesthesia
18 and intra-oral block anesthesia, and documentary proof of the
19 applicant's passage of the National Board Dental Hygiene
20 Examination. At the time of filing the application, the
21 applicant shall pay to the board an application fee, which



1 together with all other fees or charges in this chapter, shall
2 be as provided in rules adopted by the director of commerce and
3 consumer affairs pursuant to chapter 91, and shall be deposited
4 to the credit of the compliance resolution fund established
5 pursuant to section 26-9(o)."

6 SECTION 3. Section 448-3, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "§448-3 Practice by unlicensed employee prohibited;
9 penalty. (a) Except as provided in section 447-3, no person
10 who manages or conducts as manager, proprietor, conductor, or
11 otherwise a place where dental operations are performed, shall
12 employ any person as operator in dental surgery or as a
13 practitioner, or cause to permit any person to so act, who is
14 not duly licensed to practice dentistry; provided that nothing
15 in this chapter shall prohibit any unlicensed person from
16 performing merely mechanical work upon inert matter in a dental
17 laboratory.

18 (b) A duly licensed and registered dentist may employ
19 auxiliary personnel, other than registered dental hygienists, to
20 assist the dentist in the practice of dentistry. These
21 employees shall be known as dental assistants and shall perform



1 all duties assigned to them under the supervision, direction and
2 responsibility of the dentist. [~~Duties of the dental assistant
3 and regulatory directives shall be delineated under rules which
4 the board of dental examiners may from time to time adopt.~~]

5 (c) Dental assistants shall not perform any activity that
6 is deemed to be irreversible so as to cause change in the
7 affected hard or soft tissues and be permanent, may require
8 reconstructive or corrective procedures, or represents the
9 practice of dentistry and dental hygiene or requires the
10 knowledge, skill, and training of a licensed dentist or licensed
11 dental hygienist, including the following intra-oral functions:

- 12 (1) Administering local anesthetic, sedation, or general
13 anesthesia;
14 (2) Cementing, bonding, or adjusting any part of a
15 prosthesis or appliance worn in the mouth;
16 (3) Cementing or re-cementing, finishing margins,
17 performing a try-in, adjusting the occlusion of any
18 temporary or permanent fixed prosthetic restoration,
19 or placing cement bases;
20 (4) Cementing bands and brackets or activating any
21 orthodontic appliance;



- 1 (5) Establishing occlusal vertical dimension, making bite
2 registrations, or making face-bow transfers;
- 3 (6) Examining, diagnosing, or prescribing a treatment
4 plan;
- 5 (7) Making final impressions, which would lead to the
6 fabrication of any appliance or prosthesis that, when
7 worn by the patient, would come in direct contact with
8 hard or soft tissues; provided that this paragraph
9 shall not apply to the making of impressions for study
10 casts, opposing models, occlusal appliances, mouth
11 guards, orthodontic retainers, or medicament trays;
- 12 (8) Performing any endodontic procedure to ream, file,
13 irrigate, medicate, dry, try-in cores, or fill root
14 canals, or to establish the length of the tooth;
- 15 (9) Performing any surgical or cutting procedures on hard
16 or soft tissues, extracting teeth, or suturing;
- 17 (10) Placing, condensing, carving, finishing, or adjusting
18 the occlusion of final restorations; or placing cavity
19 liners, medicaments, or pulp cap materials;



- 1 (11) Placing subgingivally materials such as prescriptive
2 medicaments, retraction cords, and other devices that
3 are used for tissue displacement;
- 4 (12) Prescribing medications or authorizing the fabrication
5 of any restorative, prosthodontic, or orthodontic
6 appliances;
- 7 (13) Testing pulp variety;
- 8 (14) Using ultrasonic instruments and polishing natural or
9 restored surfaces;
- 10 (15) Removing hard and soft deposits and stains from the
11 portion of the crown and root surfaces to the depth of
12 the gingival sulcus;
- 13 (16) Polishing natural and restored surfaces of teeth; and
- 14 (17) Applying preventive chemical agents to the coronal
15 surfaces of teeth.

16 [~~e~~] (d) Any person violating this section shall be fined
17 not less than \$100 nor more than \$1,000 for the first violation.
18 Any person violating this section a second time shall be fined
19 not less than \$500 nor more than \$2,000 and, in addition to the
20 fine, the person's license shall be revoked."



S.B. NO. 3085

1 SECTION 4. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 5. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 6. This Act shall take effect upon its approval.

7

INTRODUCED BY:

Randy DeBor

Will Egan

Nichelle DeSanti



S.B. NO. 3085

Report Title:

Dental Hygienists; Dental Assistants; Licensing

Description:

Clarifies requirements for licensure as a dental hygienist.
Prohibits dental assistants from performing certain intra-oral
functions and related activities.

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

