

Honolulu, Hawaii

FEB 20 2009

RE: S.B. No. 933
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Health, to which was referred S.B. No. 933
entitled:

"A BILL FOR AN ACT RELATING TO TEMPORARY LICENSURE OF
DENTISTS,"

begs leave to report as follows:

The purpose of this measure is to allow for the temporary
licensure of dentists who are employed by or under contract to the
Department of Health.

Your Committee received testimony in support of this measure
from the Department of Health and Board of Dental Examiners.
Testimony in opposition was received from the Hawaii Dental
Association and one individual. Written testimony presented to the
Committee may be reviewed on the Legislature's website.

Your Committee finds that the recruitment of dentists to work
for the Department of Health is generally limited to individuals
who maintain active licenses in Hawaii to practice dentistry.
This measure allows for an expansion of the potential pool to
include dentists who hold a temporary license.

Your Committee further finds that the employment of
temporarily licensed dentists by the Department of Health is
necessary to address the critical shortage of dentists in areas of
the State largely remote and rural, particularly on the neighbor
islands and other disadvantaged communities. This measure also



serves to expand the number of dentists who serve persons with disabilities, with mental illness, and the aging population.

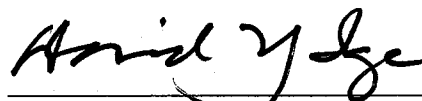
Your Committee has amended this measure on the recommendation of the Hawaii Dental Association to:

- (1) Clarify that the Board of Dental Examiners may issue a community service license to practice dentistry while the person is in the employment of the Department of Health;
- (2) Clarify that the Board of Dental Examiners may issue a temporary license to practice dentistry while the person is contracted by the Department of Health to conduct dental education and training; and
- (3) Deleting the provision in current law that provides for temporary dental licensure of dentists who serve Hansen's disease sufferers, as being unnecessary for purposes of the amended measure.

Your Committee notes that, for purposes of the title of this measure, the community service license is a different sort of dental license than the temporary dental license, however the community service license is essentially temporary in nature since it is renewable biennially and authorizes practice under restricted time limits.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 933, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 933, S.D. 1, and be referred to the Committee on Commerce and Consumer Protection.

Respectfully submitted on
behalf of the members of the
Committee on Health,



DAVID Y. IGE, Chair



The Senate
 Twenty-Fifth Legislature
 State of Hawaii

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:* SB 933	Committee Referral: HTH, CPN	Date: 2/11/19		
<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
IGE, David Y. (C)	✓			
GREEN, M.D., Josh (VC)	✓			
BAKER, Rosalyn H.	✓			
ESPERO, Will	✓			
NISHIHARA, Clarence K.				✓
HEMMINGS, Fred	✓			
TOTAL	5	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

Report Title:

Temporary Licensure; Dentistry

Description:

Clarifies that the board of dental examiners may issue a community service license to practice dentistry while the person is in the employment of the department of health. Clarifies that the board of dental examiners may issue a temporary license to practice dentistry while the person is contracted by the department of health to conduct dental education and training.
(SD1)

A BILL FOR AN ACT

RELATING TO TEMPORARY LICENSURE OF DENTISTS.

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

1 SECTION 1. Section 448-9.6, Hawaii Revised Statutes, is
2 amended as follows:
3 1. By amending subsection (a) to read:
4 "(a) The board of dental examiners may issue, without
5 examination, a community service license to practice dentistry
6 in the employment of the department of health, of a federally
7 qualified health center, Native Hawaiian health systems center,
8 or post-secondary dental auxiliary training program accredited
9 by the American Dental Association Commission on Dental
10 Accreditation. Community service licensees under this section
11 shall abide by the requirements and conditions placed upon those
12 fully licensed under this chapter.

13 Eligible candidates shall:

14 (1) Provide copies of documentation and credentials that
15 include but are not limited to:

16 (A) A diploma or certificate of graduation from a
17 dental college accredited by the American Dental

- 1 Association Commission on Dental Accreditation,
2 recognized and approved by the board; and
- 3 (B) Either of the following:
- 4 (i) A certificate or other evidence satisfactory
5 to the board of having passed part II of the
6 National Board Dental Examination within
7 five years of the date of request; or
- 8 (ii) Evidence of active practice of clinical
9 dentistry of not less than one thousand
10 hours per year for the three years
11 immediately prior to the date of request;
- 12 (2) Provide a copy of an active, unrestricted dental
13 practice license from another state;
- 14 (3) Disclose to the board of dental examiners all previous
15 and pending legal or regulatory action relating to
16 claims of malpractice, or personal or professional
17 misconduct; and
- 18 (4) Pay applicable registration fees, which shall be one
19 half of the prevailing biennial registration fee for
20 dentistry.

1 No person who after July 2, 2004, has failed to pass the license
2 examination administered under this chapter shall have the
3 benefit of a community service dental license."

4 2. By amending subsection (e) to read:

5 "(e) Commissioned officers of the United States Army, the
6 United States Navy, the United States Air Force, the United
7 States Public Health Service, or the United States Veterans
8 Administration practicing in the department of health, a
9 federally qualified health center, or Native Hawaiian health
10 systems center shall qualify for a community service license to
11 practice dentistry, which may be issued for the term of the
12 officer's federal duty assignment. Officers shall provide to
13 the board of dental examiners:

14 (1) A copy of an active, unrestricted dental practice
15 license from another state; and

16 (2) A copy of documentation reflecting official duty
17 assignment to a qualifying community service dental
18 license site."

19 SECTION 2. Section 448-12, Hawaii Revised Statutes, is
20 amended to read as follows:

21 "**§448-12 Temporary license.** [~~a~~] The board of dental
22 examiners may issue without examination to any resident or

1 nonresident otherwise qualified to be examined a temporary
2 license to practice dentistry in the employment of the State or
3 any county, or any legally incorporated eleemosynary dispensary
4 or infirmary, private school, or welfare center. The temporary
5 license shall authorize the person to whom the license is issued
6 to practice dentistry exclusively while engaged in that
7 employment or contracted by the department of health to conduct
8 dental education and training, and shall be in force until the
9 earliest of the following occurs:

- 10 (1) The date the person leaves the employment authorized
11 under the temporary license;
- 12 (2) The three hundred ninety-sixth calendar day following
13 the date of issuance of the temporary license;
- 14 (3) The date on which the results of the licensure
15 examination taken by the person under this chapter are
16 posted by the board; or
- 17 (4) The date on which the board revokes the temporary
18 license;

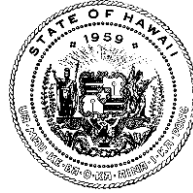
19 provided that the board may revoke the temporary license at any
20 time for cause.

21 No person who has failed an examination shall have the
22 benefit of any temporary license.

1 ~~[(b) The board of dental examiners may issue without~~
2 ~~examination to any resident or nonresident licensed in another~~
3 ~~state and otherwise qualified to be examined a temporary license~~
4 ~~to practice dentistry while in the employment of the department~~
5 ~~of health to provide dental services to Hansen's disease~~
6 ~~sufferers. The temporary license shall be valid for a period of~~
7 ~~three years or until the first board examination after the~~
8 ~~conclusion of the three-year period and only while the person to~~
9 ~~whom the temporary license is issued is in the employment of the~~
10 ~~department of health and works under the general direction and~~
11 ~~supervision of a duly licensed dentist. The temporary license~~
12 ~~shall not be renewed and shall be reviewed annually by the board~~
13 ~~of dental examiners for continuance and shall be subject to~~
14 ~~revocation and suspension as provided in section 448-17. The~~
15 ~~temporary licensee shall not be eligible for examination by the~~
16 ~~board of dental examiners while the temporary license is in~~
17 ~~effect.]"~~

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 4. This Act shall take effect upon its approval.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

Senate Committee on Commerce and Consumer Protection

SB933 SD1, Relating to Temporary Licensure of Dentists

**Testimony of Chiyome Leinaala Fukino, M.D.
Director of Health**

March 3, 2009

1 **Department's Position:** The Department strongly supports this Administration-sponsored measure.

2 **Fiscal Implications:** None.

3 **Purpose and Justification:** The purpose of this proposal is to amend Sections 448-9.6 (a)(e) and 448-
4 12 (a)(b), Hawaii Revised Statutes, to allow for the community service licensure of dentists who are
5 employed by the Department of Health and amends the temporary dentistry licensure statutes as they
6 apply to the Department of Health. SD1 represents a shift in language from the original proposal and
7 was arrived at through discussion with the Hawaii Dental Association and in consideration of testimony
8 submitted by the Hawaii State Board of Dental Examiners. The Department shares the concerns of the
9 Legislature and the community over limited access to basic dental care, particularly among persons with
10 disabilities. With the amendments proposed in SD1, the Department anticipates that we will be able to
11 create additional training opportunities to enhance access to dental care for disabled persons. We also
12 anticipate being able to recruit additional dental care providers licensed in other states who are willing to
13 work in Hawaii in response to the needs of our disabled communities. Given the opportunities this
14 proposal creates for the Department to help assure access to needed basic dental care among our most
15 vulnerable populations, we strongly support this proposal.

- 1 Thank you the opportunity to testify on this measure.

**PRESENTATION OF THE
BOARD OF DENTAL EXAMINERS**

TO THE SENATE COMMITTEE ON
COMMERCE AND CONSUMER PROTECTION

TWENTY-FIFTH LEGISLATURE
Regular Session of 2009

Tuesday, March 3, 2009
9:30 a.m.

**WRITTEN COMMENTS ON SENATE BILL NO. 933, S.D.1, RELATING TO TEMPORARY
LICENSURE OF DENTISTS.**

TO THE HONORABLE ROSALYN H. BAKER, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Jeffrey Miyazawa, D.D.S., Chair of the Board of Dental Examiners ("Board"). The Board supports the intent of S.B. No. 933, S.D.1, to provide for a means of licensure to practice dentistry while in the employment of or under contract with the Department of Health.

The purpose of S.B. No. 933, S.D.1 is to provide a temporary license to practice dentistry to dentists who are under contract with the Department of Health to conduct dental education and training. The bill also clarifies that a community service license to practice dentistry may be issued to a person employed by the Department of Health. The Board understands that there is a need for dental care services for residents in underserved communities or populations statewide, particularly to persons with disabilities, persons with mental illness, and the aging population. There is also a need to educate and train dentists to treat these populations. Given ongoing, unmet oral health needs in many communities or populations, the Department of Health would be able to increase its dental services and ensure access to basic dental care.

Thank you for the opportunity to present comments on S.B. No. 933, S.D.1.