

**PRESENTATION OF THE
BOARD OF DENTAL EXAMINERS**

TO THE HOUSE COMMITTEE ON
CONSUMER PROTECTION AND COMMERCE

TWENTY-SEVENTH LEGISLATURE
Regular Session of 2014

Monday, February 24, 2014
2:10 p.m.

TESTIMONY ON HOUSE BILL NO. 2459, H.D. 1, RELATING TO DENTISTRY.

TO THE HONORABLE ANGUS L.K. MCKELVEY, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Mark Chun, D.M.D., Dental member of the Board of Dental Examiners ("Board"). The Board appreciates the opportunity to testify and offer comments on House Bill No. 2459, H.D. 1, Relating to Dentistry.

The purpose of House Bill No. 2459, H.D. 1, is to require any dentist who prescribes or administers general anesthesia, intravenous-conscious sedation, or conscious sedation in providing dental services to obtain a written authorization issued by the Board. The bill also requires site certification for locations where specified anesthesia is prescribed or administered.

The Board supports the intent of the bill but believes its new administrative rules and other statutory requirements address the provisions in this bill. First of all, dentists who prescribe controlled substances are required to register with the Federal Drug Enforcement Agency and The Office of Narcotics Enforcement of The State Department of Public Safety. Therefore, it would not be necessary to require a written authorization from the Board to prescribe sedation. Second, the Board has enacted new provisions in its administrative rules requiring written authorization from the Board if a dentist will be

administering moderate sedation, intravenous-conscious sedation, deep anesthesia and general anesthesia. The new administrative rules specify that administration of nitrous oxide or a single oral sedative medication administered in an appropriate dose to reduce anxiety would not require a written authorization, as the Board believes the education and training received in an ADA accredited dental school would be appropriate training. The Board does not believe that a written authorization should be required for minimal sedation. In addition, the new administrative rules have provisions for facilities and staff requirements that would need to comply with the current ADA guidelines for the Use of Sedation and General Anesthesia by Dentists and the current American Association of Oral and Maxillofacial Surgery Office Anesthesia Evaluation Manual.

Therefore, the Board believes that its new administrative rules and other federal and State statutory requirements address the provisions in House Bill No. 2459, H.D. 1.

Thank you for the opportunity to testify on House Bill No. 2459, H.D. 1, and I will be available for questions.

Hawaii State Legislature
State House of Representatives
Committee on Consumer Protection and Commerce

State Representative Angus L. K. McKelvey, Chair
State Representative Derek S. K. Kawakami, Vice Chair
Committee on Consumer Protection and Commerce

Wednesday, February 24, 2014, 2:10 p.m. Room 325
House Bill 2459, HD 1 Relating to Dentistry

Honorable Chair Angus L. K. McKelvey, Vice Chair Derek S. K. Kawakami and
members of the House Committee on Consumer Protection and Commerce,

My name is Russel Yamashita and I am the legislative representative for the Hawaii Dental Association and its 960 member dentists. I appreciate the opportunity to testify in opposition to of House Bill 2459, HD 1 Relating to Dentistry. The HDA believes that in light of the new rules adopted by the Board of Dental Examiners that in part covered the issues relating to sedation and anesthesia which this bill attempts to address, the need for this legislation is rendered moot and redundant under the current circumstances.

As reported in the media last month, Governor Neal Abercrombie approved the new dental practice rules two weeks ago, which became effective on Monday, January 27, 2014. The Board of Dental Examiners worked on an extensive overhaul of the dental practice rules for the last several years and these rules included amendments which this bill seeks to address.

Placing sedation requirements in statutory form is a significant change in policy, since the dentists on the Board are in the best position to determine how dental practice is to be regulated to protect the public, not the legislature. For example, should a new and safer drug or procedure become available, the Board's dentists collective judgement and expertise should determine whether it is safe for use in the State, the Legislature is not the best body to make such a decision. Additionally, should a procedure be determined to be obsolete or require modification, the Board can enact emergency rules to protect the public, where as statutory imposed requirements, such as this bill, would have to wait for the Legislature's next legislative session to correct a mandated dental procedure.

The HDA believes, as well intentioned as this legislation may be, it will present problems for the Board of Dental Examiners in their primary duty to protect the public. This bill will delay changes to dental practice rules in cases needed to protect the public health, safety and welfare in a timely manner. Therefore, we respectfully request that this bill be held by this committee. We appreciate the opportunity to testify on this matter.

	Dentists	Hygenists	Public	Other	
Alabama	6	1			
Alaska	6	2	1		
Arizona	6	2	3		
Arkansas	6	1	2		
California	8	1	4	1	Assistant
Colorado	7	3	3		
Connecticut	6		3		
Delaware	5	2	1	1	vacant
Florida	7	2	2		
Georgia	9	1	1		
Hawaii	8	2	2		
Idaho	5	2	1		
Illinois	8	2	1		
Indiana	9	1	1		
Iowa	5	2	2		
Kansas	6	2	1		
Kentucky	7	2	1		
Louisiana	13	1			
Maine	5	2	1	1	denturist
Maryland	9	4	3		
Massachusetts	6	2	2	1	assistant
Michigan	10	4	3	2	assistants
Minnesota	5	1	2	1	assistant
Mississippi	7	1			
Missouri	4	1	1		
Montana	5	2	2	1	denturist
Nebraska	6	2	2		
Nevada	6	3	1	1	public health
New Hampshire	6	2	1		
New Jersey	9	1		1	PhD, RN
New Mexico	4	2	2		
New York	13	3		1	assistant
North Carolina	6	1	1		
North Dakota	5	1	1		
Ohio	9	3	1		
Oklahoma	8	1	2		
Oregon	6	2	2		
Pennsylvania	8	1	2	4	assist., consumer protection, Sec. of Health, c
Rhode Island	8	1	6		
South Carolina	8	2	1		
South Dakota	5	1	1		
Tennessee	7	2	1	1	assistant
Texas	8	2	5		
Utah	6	2	1		
Vermont	6	2	2	1	assistant
Virginia	7	2	1		

Washington	12		2	2	expanded function dental auxiliaries
West Virginia	6	1	1	1	assistant
Wisconsin	6	3	2		
Wyoming	5	1			
Average	7.0	1.8	1.8	1.3	

ommissioner