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# A BILL FOR AN ACT

RELATING TO DENTAL HEALTH.

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

1           SECTION 1. The legislature finds that most states are not  
2 doing enough to prevent tooth decay, unnecessarily driving up  
3 health care costs for families and taxpayers. A new report by  
4 the Pew Center on the States, *Falling Short: Most States Lag on*  
5 *Dental Sealants*, grades all fifty states on their efforts to  
6 prevent decay by improving access for low-income children to  
7 sealants, clear plastic coatings applied to the chewing surfaces  
8 of molars. In the report, states were graded based on four  
9 indicators: having sealant programs in high-need schools;  
10 allowing hygienists to place sealants in school-based programs  
11 without requiring a dentist's exam; collecting data regularly  
12 about the dental health of schoolchildren and submitting it to  
13 the national oral health surveillance system; and meeting a  
14 national objective on sealants set by the federal government's  
15 Healthy People 2010 goals.

16           Hawaii was one of only five states to receive a grade of  
17 "F", with a total of one out of eleven possible points. An "F"  
18 grade indicates a state is lagging far behind in prevention



1 efforts and could be doing more to reduce pain and costs  
2 associated with dental problems. Research shows that providing  
3 dental sealants through school-based programs is a cost-  
4 effective way to reach low-income children, who are at greater  
5 risk of decay.

6 The legislature further finds that school-based dental  
7 sealant programs provide sealants to children least likely to  
8 receive them otherwise. Studies have shown that tooth decay of  
9 molars dropped an average of sixty per cent up to five years  
10 after sealant application in a school program. Sealants also  
11 prevent decay at one-third the expense of filling a cavity.

12 States wishing to establish a school-based sealant program  
13 must also explore potential funding avenues. Some states with  
14 school-based dental sealant programs, such as Ohio, receive  
15 funding through the federal Maternal and Child Health Block  
16 Grant. Other funding possibilities may also be available,  
17 including program-generated revenue through collections from  
18 medicaid. The legislature notes that medicaid currently covers  
19 sealants for eligible recipients in Hawaii.

20 The legislature additionally finds that the Pew report  
21 noted Hawaii was one of eight states with the most restrictions  
22 on dental hygienists, the primary practitioners who apply



1 sealants in school-based programs. Removing unnecessary  
2 restrictions on dental hygienists will eliminate expensive and  
3 unnecessary barriers to serving children in school-based sealant  
4 programs.

5 The legislature therefore finds that the State must take  
6 proactive steps to make prevention of tooth decay amongst  
7 Hawaii's children a top priority.

8 Accordingly, the purpose of this Act is to:

- 9 (1) Require the director of health to participate in the  
10 national oral health surveillance system, a national  
11 database managed by the federal Centers for Disease  
12 Control and Prevention and the Association of State  
13 and Territorial Dental Directors;
- 14 (2) Permit dental hygienists to apply preventative  
15 sealants, in conjunction with a licensed dentist, and  
16 at federally qualified health centers; in a school-  
17 based dental sealant program;
- 18 (3) Require the department of health to establish and  
19 administer a school-based dental sealant program in a  
20 high-need demonstration school;
- 21 (4) Require the department of health to report to the  
22 legislature about the department's efforts to



1           prioritize prevention of tooth decay amongst the  
2           State's children; and  
3           (5)   Appropriate funds to establish and administer a  
4           school-based dental sealant program in a high-need  
5           demonstration school, including plans to implement the  
6           program on a statewide level.

7           SECTION 2.   Section 321-63, Hawaii Revised Statutes, is  
8           amended to read as follows:

9           "**§321-63 Director's specific duties and powers.** To carry  
10          out the purposes of this part the director of health shall:

11          (1)   Take such action as may be necessary, and authorized  
12          by law, to meet conditions prescribed for  
13          participation in all related federal dental health  
14          programs and the regulations adopted thereunder;  
15          determine qualifications of personnel requiring  
16          professional training and licenses and correlate the  
17          programs of the department with the profession and  
18          related agencies for the proper and efficient  
19          functioning of the department;

20          (2)   Enter into cooperative arrangements with other  
21          departments, agencies, and institutions, public or  
22          private;



1        (3) Participate in the national oral health surveillance  
2        system, a national database managed by the federal  
3        Centers for Disease Control and Prevention and the  
4        Association of State and Territorial Dental Directors;

5        [~~3~~] (4) Submit plans relating to dental health to the  
6        United States Public Health Service and make  
7        application for such federal funds as will assist in  
8        carrying out the purposes of this part;

9        [~~4~~] (5) Accept on behalf of the State and deposit with  
10       the director of finance any grant, gift, or  
11       contribution from the federal government or other  
12       source made to assist in meeting the cost of carrying  
13       out the purposes of this part and expend the same for  
14       such purposes; and

15       [~~5~~] (6) Make an annual report on activities and  
16       expenditures pursuant to this part, including  
17       recommendations for additional plans, measures, or  
18       legislation relating to the purposes of this part."

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

21       "(b) Clinical dental hygiene may be practiced by a  
22       licensed dental hygienist. The practice of clinical dental



1 hygiene is defined as the removal of hard and soft deposits and  
2 stains from the portion of the crown and root surfaces to the  
3 depth of the gingival sulcus, polishing natural and restored  
4 surfaces of teeth, the application of preventive chemical agents  
5 to the coronal surfaces of teeth, which chemical agents have  
6 been approved by the board of dental examiners, and the use of  
7 mouth washes approved by the board, but shall not include the  
8 performing of any repair work or the preparation thereof, or any  
9 other operation on the teeth or tissues of the mouth; provided  
10 that nothing in this subsection shall prohibit a dental  
11 hygienist from using or applying topically any chemical agent  
12 which has been approved in writing by the department of health  
13 for any of the purposes set forth in part V of chapter 321[7];  
14 provided further that nothing in this subsection shall prohibit  
15 a dental hygienist from applying preventative sealants, in  
16 consultation with a licensed dentist, in a school-based dental  
17 sealant program established pursuant to Act \_\_\_\_\_, Session Laws  
18 of Hawaii 2013, or at a federally qualified health center; and  
19 other procedures delegated by a dentist in accordance with the  
20 rules of the board of dental examiners.

21 In addition, a licensed dental hygienist may administer  
22 intra-oral infiltration local anesthesia and intra-oral block



1 anesthesia under the direct supervision of a dentist after being  
2 certified by the board, and for those categories of intra-oral  
3 infiltration local anesthesia and intra-oral block anesthesia  
4 for which the licensed dental hygienist has been certified  
5 through a course of study meeting the requirements of this  
6 chapter."

7 SECTION 4. (a) The department of health shall establish  
8 and administer a school-based dental sealant program in a high-  
9 need demonstration school to provide sealants to high-risk  
10 students with susceptible permanent molar teeth.

11 (b) The department of health shall consult with the  
12 department of education; department of human services, med-quest  
13 division; federally qualified health centers; community health  
14 centers; and members of the oral health community in  
15 establishing and administering the program. A needs assessment  
16 shall be conducted to determine what area of the State would  
17 best serve as the location of the demonstration school. The  
18 needs assessment may include considerations related to  
19 geographic area; target population, including income level and  
20 school grade; and the number of students eligible for the  
21 program.



1 (c) The department of health shall determine a plan to  
2 establish a statewide school-based dental sealant program,  
3 including exploring federal funding possibilities for the  
4 program and submitting an application for any federal funds that  
5 may be available.

6 (d) The department of health shall submit a report to the  
7 legislature no later than twenty days prior to the convening of  
8 the regular session of 2015. The report shall detail the  
9 department's efforts to prioritize prevention of tooth decay  
10 amongst the State's children, including:

- 11 (1) Progress in implementing the school-based dental  
12 sealant program at the demonstration school;
- 13 (2) Strategies and goals associated with implementing a  
14 statewide school-based dental sealant program;
- 15 (3) Steps taken to secure funding and sustainability of  
16 the statewide school-based dental sealant program;
- 17 (4) The department's plan to meet the United States  
18 Department of Health and Human Services' Healthy  
19 People 2010 oral health objective 21-8, which calls  
20 for fifty per cent of the State's eight-year-old and  
21 fourteen-year-old children to have sealants on their  
22 permanent molar teeth; and





1 (5) Any recommendations, including proposed legislation,  
2 needed to implement the statewide school-based dental  
3 sealant program.

4 SECTION 5. There is appropriated out of the general  
5 revenues of the State of Hawaii the sum of \$100,000 or so much  
6 thereof as may be necessary for fiscal year 2013-2014 and the  
7 same sum or so much thereof as may be necessary for fiscal year  
8 2014-2015 for the department of health to establish and  
9 administer a school-based dental sealant program in a high-need  
10 demonstration school, including plans to implement the program  
11 on a statewide level.

12 The sums appropriated shall be expended by the department  
13 of health for the purposes of this Act.

14 SECTION 6. In printing this Act, the revisor of statutes  
15 shall insert in section 3 of this Act the corresponding Act  
16 number of this Act.

17 SECTION 7. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 8. This Act shall take effect on January 1, 2054;  
20 provided that it shall be repealed on January 1, 2057.

21



**Report Title:**

Dental Health; Dental Hygienists; School-based Dental Sealant Program; Appropriation

**Description:**

Requires the director of health to participate in the national oral health surveillance system. Permits dental hygienists to apply preventative sealants, in consultation with a licensed dentist, in a school-based dental sealant program or federally qualified health center. Requires the department of health to establish and administer a school-based dental sealant program in a high-need demonstration school and report to the legislature about the department's efforts to prioritize prevention of tooth decay. Appropriates funds to establish and administer a school-based dental sealant program in a high-need demonstration school, including plans to implement the program on a statewide level. Takes effect 1/1/2054; repeals 1/1/2057. (SD1)

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

