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# A BILL FOR AN ACT

RELATING TO DENTAL THERAPISTS.

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

1       SECTION 1. The Hawaii Revised Statutes is amended by  
2       adding a new chapter to be appropriately designated and to read  
3       as follows:

4   "CHAPTER

5   DENTAL THERAPISTS

6   PART I. GENERAL PROVISIONS

7       § -1 Definitions. As used in this chapter:

8       "Advanced practice dental therapist" means a person  
9       licensed as a dental therapist under this chapter and who has  
10       been certified by the board to practice as an advanced practice  
11       dental therapist under part III.

12       "Board" means the board of dental examiners.

13       "Dental health professional shortage area" means an area  
14       that meets the criteria established by the secretary of the  
15       United States Department of Health and Human Services and is  
16       designated as such under United States Code, title 42, section  
17       254e.



1 "Dental therapist" means a person licensed under this  
2 chapter to perform the services authorized under part II or any  
3 other services authorized under this chapter.

4 "General supervision" means the supervision of tasks or  
5 procedures that do not require the presence of the dentist in  
6 the office or on the premises at the time the tasks or  
7 procedures are being performed but require the tasks be  
8 performed with the prior knowledge and consent of the dentist.

9 "Indirect supervision" means the dentist is in the office,  
10 authorizes the procedures, and remains in the office while the  
11 procedures are being performed by the allied dental personnel.

12 "Practice of dental therapy" means:

13 (1) Working under the supervision of a licensed dentist  
14 under a collaborative management agreement as  
15 specified under part II;

16 (2) Practicing in settings that serve low-income,  
17 uninsured, and underserved patients or are located in  
18 dental health professional shortage areas; and

19 (3) Providing oral health care services, including  
20 preventive, oral evaluation and assessment,  
21 educational, palliative, therapeutic, and restorative



1 services as authorized under parts II and III and  
2 within the context of a collaborative management  
3 agreement.

4 "Practice settings that serve the low-income and  
5 underserved" mean:

- 6 (1) Critical access dental provider settings as determined  
7 by the director of human services;
- 8 (2) Military and veterans administration hospitals,  
9 clinics, and care settings;
- 10 (3) A patient's residence or home when the patient is  
11 home-bound or receiving or eligible to receive home  
12 care services or home and community-based waived  
13 services, regardless of the patient's income;
- 14 (4) Oral health educational institutions; or
- 15 (5) Any other clinic or practice setting, including mobile  
16 dental units, in which at least fifty percent of the  
17 total patient base of the dental therapist or advanced  
18 practice dental therapist consists of patients who:
  - 19 (A) Are enrolled in a health care program in the  
20 State;



1 (B) Have a medical disability or chronic condition  
2 that creates a significant barrier to receiving  
3 dental care;

4 (C) Do not have dental health coverage, either  
5 through a public health care program or private  
6 insurance, and have an annual gross family income  
7 equal to or less than two hundred per cent of the  
8 federal poverty guidelines; or

9 (D) Do not have dental health coverage either through  
10 a state public health care program or private  
11 insurance, and whose family gross income is equal  
12 to or less than two hundred per cent of the  
13 federal poverty guidelines.

14 PART II. DENTAL THERAPISTS

15 § -2 Dental therapists. (a) A person of good moral  
16 character may apply for licensure if the person has graduated  
17 with a baccalaureate degree or a master's degree from a dental  
18 therapy education program that has been approved by the board or  
19 accredited by the Commission on Dental Accreditation or another  
20 board-approved national accreditation organization.



1           (b) The applicant shall submit an application and fee as  
2 prescribed by the board and a diploma or certificate from a  
3 dental therapy education program. Prior to being licensed, the  
4 applicant shall pass a comprehensive, competency-based clinical  
5 examination that is approved by the board and administered  
6 independently of an institution providing dental therapy  
7 education. The applicant shall also pass an examination testing  
8 the applicant's knowledge of the state laws and rules relating  
9 to the practice of dentistry. An applicant who has failed the  
10 clinical examination twice shall not be eligible to retake the  
11 clinical examination until further education and training are  
12 obtained as specified by the board. A separate, nonrefundable  
13 fee may be charged for each application. An applicant who  
14 passes both examinations, abides by professional ethical conduct  
15 requirements, and meets all the other requirements of the board  
16 shall be licensed as a dental therapist.

17           § -3 General. A dental therapist licensed under this  
18 chapter shall practice under the supervision of a dentist  
19 licensed pursuant to chapter 448 and pursuant to the  
20 requirements of this chapter.



1           §   -4 Limited practice settings. A dental therapist  
2 licensed under this chapter shall be limited to primarily  
3 practicing in practice settings that serve the low-income and  
4 underserved or in a dental health professional shortage area.

5           §   -5 Collaborative management agreement. (a) Prior to  
6 performing any of the services authorized under this chapter, a  
7 dental therapist shall enter into a written collaborative  
8 management agreement with a licensed dentist. A collaborating  
9 dentist shall be limited to entering into a collaborative  
10 agreement with no more than five dental therapists or advanced  
11 practice dental therapists at any one time. The agreement shall  
12 include:

- 13           (1) Practice settings where services may be provided and  
14               the populations to be served;
- 15           (2) Any limitations on the services that may be provided  
16               by the dental therapist, including the level of  
17               supervision required by the collaborating dentist;
- 18           (3) Age and procedure-specific practice protocols,  
19               including case selection criteria, assessment  
20               guidelines, and imaging frequency;



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- 1           (4) A procedure for creating and maintaining dental  
2           records for the patients that are treated by the  
3           dental therapist;
- 4           (5) A plan to manage medical emergencies in each practice  
5           setting where the dental therapist provides care;
- 6           (6) A quality assurance plan for monitoring care provided  
7           by the dental therapist, including patient care  
8           review, referral follow-up, and a quality assurance  
9           chart review;
- 10          (7) Protocols for administering and dispensing medications  
11          authorized under section       -7, and part III,  
12          including the specific conditions and circumstances  
13          under which these medications may be dispensed and  
14          administered;
- 15          (8) Criteria relating to the provision of care to patients  
16          with specific medical conditions or complex medication  
17          histories, including requirements for consultation  
18          prior to the initiation of care;
- 19          (9) Supervision criteria of dental assistants; and



1           (10) A plan for the provision of clinical resources and  
2                    referrals in situations that exceed the capabilities  
3                    of the dental therapist.

4           (b) A collaborating dentist shall be licensed pursuant to  
5 chapter 448 and practicing in the State. The collaborating  
6 dentist shall accept responsibility for all services authorized  
7 and performed by the dental therapist pursuant to the management  
8 agreement. It shall be a violation of this chapter for any  
9 licensed dentist to permit a dental therapist to perform a  
10 dental service other than those authorized under this section or  
11 by the board, or for any dental therapist to perform an  
12 unauthorized service.

13           (c) Collaborative management agreements shall be signed  
14 and maintained by the collaborating dentist and the dental  
15 therapist. Agreements shall be reviewed, updated, and filed  
16 with the board on an annual basis.

17           § -6 Scope of practice. (a) A licensed dental  
18 therapist may perform dental services as authorized under this  
19 section within the parameters of the collaborative management  
20 agreement.





1 (b) A licensed dental therapist may provide the oral  
2 health services specified in subsections (c) and (d) and within  
3 the parameters of the collaborative management agreement.

4 (c) A licensed dental therapist may perform the following  
5 services under general supervision, unless restricted or  
6 prohibited in the collaborative management agreement:

- 7 (1) Oral health instruction and disease prevention  
8 education, including nutritional counseling and  
9 dietary analysis;
- 10 (2) Preliminary charting of the oral cavity;
- 11 (3) Making radiographs;
- 12 (4) Mechanical polishing;
- 13 (5) Application of topical preventive or prophylactic  
14 agents, including fluoride varnishes and pit and  
15 fissure sealants;
- 16 (6) Pulp vitality testing;
- 17 (7) Application of desensitizing medication or resin;
- 18 (8) Fabrication of athletic mouthguards;
- 19 (9) Placement of temporary restorations;
- 20 (10) Fabrication of soft occlusal guards;
- 21 (11) Tissue conditioning and soft reline;



- 1       (12) Atraumatic restorative therapy;
- 2       (13) Dressing changes;
- 3       (14) Tooth reimplantation;
- 4       (15) Administration of local anesthetic; and
- 5       (16) Administration of nitrous oxide.
- 6       (d) A licensed dental therapist may perform the following
- 7 services under indirect supervision:
- 8       (1) Emergency palliative treatment of dental pain;
- 9       (2) The placement and removal of space maintainers;
- 10       (3) Cavity preparation;
- 11       (4) Restoration of primary and permanent teeth;
- 12       (5) Placement of temporary crowns;
- 13       (6) Preparation and placement of preformed crowns;
- 14       (7) Pulpotomies on primary teeth;
- 15       (8) Indirect and direct pulp capping on primary and
- 16 permanent teeth;
- 17       (9) Stabilization of reimplanted teeth;
- 18       (10) Extractions of primary teeth;
- 19       (11) Suture removal;
- 20       (12) Brush biopsies;
- 21       (13) Repair of defective prosthetic devices; and



1 (14) Recementing of permanent crowns.

2 § -7 Dispensing authority. (a) A licensed dental  
3 therapist may dispense and administer the following drugs within  
4 the parameters of the collaborative management agreement and  
5 within the scope of practice of the dental therapist:

- 6 (1) Analgesics;
- 7 (2) Anti-inflammatories; and
- 8 (3) Antibiotics.

9 (b) The authority to dispense and administer drugs shall  
10 extend only to the categories of drugs identified in this  
11 section, and may be further limited by the collaborative  
12 management agreement.

13 (c) The authority to dispense drugs includes the authority  
14 to dispense sample drugs within the categories identified in  
15 this section if dispensing is permitted by the collaborative  
16 management agreement.

17 (d) A licensed dental therapist shall be prohibited from  
18 dispensing or administering a narcotic drug as defined in  
19 section 329-1.

20 § -8 Application of other laws. A licensed dental  
21 therapist authorized to practice under this chapter shall not be



1 in violation of this part as it relates to the unauthorized  
2 practice of dentistry if the practice is authorized under this  
3 chapter and is permitted by the terms of the collaborative  
4 management agreement.

5 § -9 Use of dental assistants. (a) A licensed dental  
6 therapist may supervise dental assistants to the extent  
7 permitted in the collaborative management agreement.

8 (b) Notwithstanding subsection (a), a licensed dental  
9 therapist shall not supervise more than four dental assistants  
10 at any one practice setting.

11 PART III. ADVANCED PRACTICE DENTAL THERAPISTS

12 § -10 Advanced practice dental therapist. The board  
13 shall grant recognition as an advanced practice dental therapist  
14 to a dental therapist who has:

- 15 (1) A current unencumbered license as a dental therapist  
16 in this State;
- 17 (2) Completed a dental therapy education program;
- 18 (3) Passed an examination to demonstrate competency under  
19 the dental therapy scope of practice;



- 1 (4) Completed two thousand hours of dental therapy
- 2 clinical practice under direct or indirect
- 3 supervision;
- 4 (5) Graduated from a master's advanced dental therapy
- 5 education program;
- 6 (6) Passed a board-approved certification examination to
- 7 demonstrate competency under the advanced scope of
- 8 practice; and
- 9 (7) Submitted an application for certification as
- 10 prescribed by the board.

11 § -11 Scope of practice; advanced practice dental  
12 therapist. (a) An advanced practice dental therapist certified  
13 by the board may perform the following services and procedures  
14 pursuant to the written collaborative management agreement:

- 15 (1) An oral evaluation and assessment of dental disease
- 16 and the formulation of an individualized treatment
- 17 plan authorized by the collaborating dentist;
- 18 (2) The services and procedures described under section
- 19 -6(c) and (d); and
- 20 (3) Nonsurgical extractions of permanent teeth as limited
- 21 in section -12(b).



1 (b) The services and procedures described under this  
2 section may be performed under the general supervision of a  
3 licensed dentist.

4 § -12 Practice limitation; advanced practice dental  
5 therapist. (a) An advanced practice dental therapist shall not  
6 perform any service or procedure described in section -11  
7 except as authorized by the collaborating dentist.

8 (b) An advanced practice dental therapist may perform  
9 nonsurgical extractions of periodontally diseased permanent  
10 teeth with tooth mobility of +3 to +4 under general supervision  
11 if authorized in advance by the collaborating dentist. The  
12 advanced practice dental therapist shall not extract a tooth for  
13 any patient if the tooth is unerupted, impacted, fractured, or  
14 needs to be sectioned for removal.

15 (c) The collaborating dentist shall be responsible for  
16 directly providing or arranging for another dentist or  
17 specialist to provide any necessary advanced services needed by  
18 the patient.

19 (d) In accordance with the collaborative management  
20 agreement, an advanced practice dental therapist shall refer  
21 patients to another qualified dental or health care professional



1 to receive any needed services that exceed the scope of practice  
2 of the advanced practice dental therapist.

3 (e) In addition to the collaborative management agreement  
4 requirements described in part II, a collaborative management  
5 agreement entered into with an advanced practice dental  
6 therapist shall include specific written protocols to govern  
7 situations in which the advanced practice dental therapist  
8 encounters a patient who requires treatment that exceeds the  
9 authorized scope of practice of the advanced practice dental  
10 therapist. The collaborating dentist shall ensure that a  
11 dentist shall be available to the advanced practice dental  
12 therapist for timely consultation during treatment if needed and  
13 shall either provide or arrange with another dentist or  
14 specialist to provide the necessary treatment to any patient who  
15 requires more treatment than the advanced practice dental  
16 therapist is authorized to provide.

17 § -13 Medications; advanced practice dental therapist.

18 (a) An advanced practice dental therapist may provide,  
19 dispense, and administer the following drugs within the  
20 parameters of the collaborative management agreement, within the



1 scope of practice of the advanced practice dental therapist, and  
2 with the authorization of the collaborating dentist:

3 (1) Analgesics;

4 (2) Anti-inflammatories; and

5 (3) Antibiotics.

6 (b) The authority to provide, dispense, and administer  
7 drugs shall extend only to the categories of drugs identified in  
8 this section, and may be further limited by the collaborative  
9 management agreement.

10 (c) The authority to dispense drugs shall include the  
11 authority to dispense sample drugs within the categories  
12 identified in this section if dispensing is permitted by the  
13 collaborative management agreement.

14 (d) Notwithstanding subsection (a), an advanced practice  
15 dental therapist shall be prohibited from providing, dispensing,  
16 or administering a narcotic drug as defined in section 329-1."

17 SECTION 2. Section 466J-6, Hawaii Revised Statutes, is  
18 amended to read by amending subsection (a) to read as follows:

19 "(a) Any provision in this chapter to the contrary  
20 notwithstanding, a license shall not be required for:

21 (1) A licensed medical practitioner in radiology;





- 1 (2) A licensed practitioner of nuclear medicine;
- 2 (3) A licensed physician assistant;
- 3 (4) A licensed doctor of dentistry[+] or a licensed dental  
4 therapist;
- 5 (5) A licensed dental technician;
- 6 (6) A licensed dental hygienist;
- 7 (7) A student in an approved school for radiographers,  
8 radiation therapists, or nuclear medicine  
9 technologists, or in a school of medicine, podiatry,  
10 dentistry, or a chiropractic school; provided that the  
11 student is operating x-ray machines under the direct  
12 supervision of a licensed radiographer, licensed  
13 radiation therapist, licensed nuclear medicine  
14 technologist, or a qualified person pursuant to this  
15 chapter; and
- 16 (8) A radiologist duly licensed to practice medicine and  
17 radiology services in another state who uses  
18 telemedicine while located in this State to provide  
19 radiology services to a patient who is located in the  
20 state in which the radiologist is licensed. For the  
21 purposes of this paragraph:



1 "Radiologist" means a doctor of medicine or a  
2 doctor of osteopathy certified in radiology by the  
3 American Board of Radiology or the American Board of  
4 Osteopathy.

5 "Telehealth" means the use of telecommunications,  
6 as that term is defined in section 269-1, including  
7 but not limited to real-time video conferencing-based  
8 communication, secure interactive and non-interactive  
9 web-based communication, and secure asynchronous  
10 information exchange, to transmit patient medical  
11 information, including diagnostic-quality digital  
12 images and laboratory results for medical  
13 interpretation and diagnosis, for the purpose of  
14 delivering enhanced health care services and  
15 information to parties separated by distance.  
16 Standard telephone contacts, facsimile transmissions,  
17 or email texts, in combination or by themselves, do  
18 not constitute a telehealth service for the purposes  
19 of this paragraph."

20 SECTION 3. Section 448-8.5, Hawaii Revised Statutes, is  
21 amended to read as follows:



1           " ~~[[§448-8.5]]~~ Continuing education requirements. The  
2 board shall adopt ~~[a program of continuing education for~~  
3 ~~dentists and a program of continuing education for dental~~  
4 ~~hygienists-]~~ programs of continuing education for dentists,  
5 dental hygienists, and dental therapists. After January 1,  
6 2002, at the time of reregistration of license as a dentist or  
7 dental hygienist, and after January 1, 2018, at the time of  
8 registration of a license as a dental therapist, each licensee  
9 shall present to the board evidence of compliance with the  
10 program of continuing education applicable to their profession.  
11 Failure to reregister and present evidence of compliance shall  
12 constitute a forfeiture of license, which may be restored only  
13 upon written application therefor and payment to the board of a  
14 restoration fee."

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

17           SECTION 5. This Act shall take effect upon its approval.

18

INTRODUCED BY:

*Cindy Evans*  
*[Signature]*  
*Richard King*  
*Della A. Kestel*



# H.B. NO. 257

**Report Title:**

Dental Therapists; Licensure; Certification

**Description:**

Requires the licensure of dental therapists and the certification of advanced practice dental therapists.

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

