

JAN 22 2016

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# A BILL FOR AN ACT

RELATING TO DENTAL HYGIENISTS.

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

1           SECTION 1. The legislature finds that the board of dental  
2 examiners is a twelve-member board consisting of eight dentists,  
3 two dental hygienists, and two members of the public. According  
4 to 2014 statistics of the department of commerce and consumer  
5 affairs, there were 1,520 licensed dentists and 1,030 licensed  
6 dental hygienists in the State. The legislature further finds  
7 that the disparity in representation of dental hygienists and  
8 dentists on the board can cause the interests and concerns of  
9 dentists to outweigh those of dental hygienists.

10           The purpose of this Act is to establish a board of dental  
11 hygienist examiners and transfer oversight of dental hygienists  
12 from the board of dental examiners to the board of dental  
13 hygienist examiners.

14           SECTION 2. Chapter 447, Hawaii Revised Statutes, is  
15 amended by adding two new sections to be appropriately  
16 designated and to read as follows:



1       "§447-A Definitions. As used in this chapter, unless the  
2 context requires otherwise:

3       "Board" means the board of dental hygienist examiners  
4 established pursuant to section 447-B.

5       §447-B Board of dental hygienists examiners; appointment.

6       (a) The board of dental hygienist examiners shall consist of  
7 seven members, four of whom shall be practicing hygienists who  
8 have been engaged in the practice of dental hygiene for a period  
9 of five years preceding their appointments and duly licensed  
10 under section 447-1, two of whom shall be dentists who are also  
11 appointed to the board of dental examiners, and one of whom  
12 shall be a public member. No member shall be in any way  
13 connected with, or interested financially in, any dental supply  
14 company.

15       (b) The board shall meet for the purpose of examining  
16 applicants and for other purposes at times that it designates.  
17 Adequate statewide public notice of the times and places of  
18 examinations shall be given. The board may prescribe which  
19 members shall participate in the examination and licensing  
20 procedures.



1        (c) In addition to any other powers and duties authorized  
2 by law, the board shall adopt rules pursuant to chapter 91 as it  
3 deems proper and necessary for the performance of its work."

4        SECTION 3. Section 447-1, Hawaii Revised Statutes, is  
5 amended by amending subsection (a) to read as follows:

6        "(a) Any person:

7        (1) Eighteen years of age or over;

8        (2) Who has a diploma or proper certificate of graduation  
9        from a dental hygiene school accredited by the  
10        American Dental Association Commission on Dental  
11        Accreditation that requires at least a two-year course  
12        and is recognized by the board [~~of dental examiners~~];

13        (3) Who has been officially certified in the  
14        administration of intra-oral infiltration local  
15        anesthesia and intra-oral block anesthesia by an  
16        accredited dental hygiene school or by a certification  
17        program previously approved by the board; and

18        (4) Who has passed the National Board Dental Hygiene  
19        Examination;

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



1 An application shall be accompanied by the applicant's  
 2 certificate of graduation from an accredited dental hygiene  
 3 school, documentary proof of the applicant's certification in  
 4 the administration of intra-oral infiltration local anesthesia  
 5 and intra-oral block anesthesia, and documentary proof of the  
 6 applicant's passage of the National Board Dental Hygiene  
 7 Examination. At the time of filing the application, the  
 8 applicant shall pay to the board an application fee, which  
 9 together with all other fees or charges in this chapter, shall  
 10 be as provided in rules adopted by the director of commerce and  
 11 consumer affairs pursuant to chapter 91, and shall be deposited  
 12 to the credit of the compliance resolution fund established  
 13 pursuant to section 26-9(o)."

14 SECTION 4. Section 447-1.5, Hawaii Revised Statutes, is  
 15 amended as follows:

16 1. By amending the title and subsection (a) to read:

17 "[+] §447-1.5 [+] Community service license. (a) The board  
 18 [~~of dental examiners~~] may issue, without examination, a  
 19 community service license to practice dental hygiene in the  
 20 employment of a federally qualified health center, Native  
 21 Hawaiian health care system, or post-secondary dental auxiliary



1 training program accredited by the American Dental Association  
2 Commission on Dental Accreditation. Community service licensees  
3 under this section shall abide by the requirements and  
4 conditions placed upon those fully licensed under this chapter.

5 Eligible candidates shall:

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

8 (A) A diploma or certificate of graduation from a  
9 dental hygiene college accredited by the American  
10 Dental Association Commission on Dental  
11 Accreditation, recognized and approved by the  
12 board; and

13 (B) Either of the following:

14 (i) A certificate or other evidence satisfactory  
15 to the board of having passed the  
16 examination of the National Board Dental  
17 Hygiene Examination, within five years of  
18 the date of request; or

19 (ii) Evidence of active clinical dental hygiene  
20 practice of not less than one thousand hours



1 per year for the three years immediately  
2 prior to the date of request;

3 (2) Provide a copy of an active, unrestricted dental  
4 hygiene practice license from another state;

5 (3) Disclose to the board [~~of dental examiners~~] all  
6 previous and pending legal or regulatory action  
7 relating to claims of malpractice, personal, or  
8 professional misconduct; and

9 (4) Pay applicable registration fees, which shall be one  
10 half of the prevailing biennial registration fee for  
11 dental hygienists.

12 No person who after July 2, 2004, has failed to pass the license  
13 examination administered under this chapter may be issued a  
14 community service dental hygiene license."

15 2. By amending subsection (c) to read:

16 "(c) A license may be renewed annually, pending review and  
17 reauthorization of the board [~~of dental examiners~~]."

18 3. By amending subsection (e) to read:

19 "(e) Commissioned officers of the United States Army, the  
20 United States Navy, the United States Air Force, the United  
21 States Public Health Service, or the United States Veterans



1 Administration practicing in a federally qualified health center  
2 or Native Hawaiian health systems center, shall qualify for a  
3 community service license to practice dental hygiene, which may  
4 be issued for the term of the dental hygienists federal duty  
5 assignment. Officers shall provide to the board [~~of dental~~  
6 ~~examiners~~]:

- 7 (1) A copy of an active, unrestricted dental hygiene  
8 license from another state; and
- 9 (2) A copy of documentation reflecting official duty  
10 assignment to a qualifying community service dental  
11 hygiene license site."

12 SECTION 5. Section 447-2, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 "§447-2 Temporary license. The board [~~of dental~~  
15 ~~examiners~~] may issue, without examination, to any person  
16 qualified to be examined, a temporary license to practice as a  
17 dental hygienist in the employment of the State or any county or  
18 any legally incorporated eleemosynary dispensary or infirmary,  
19 private school, or welfare center. The temporary license shall  
20 authorize the person to whom the license is issued to practice



1 clinical dental hygiene exclusively while engaged in that  
2 employment and shall be in force until:

- 3 (1) The date the person leaves the employment authorized  
4 under the temporary license;
- 5 (2) The three hundred sixty-fifth calendar day following  
6 the date of issuance of the temporary license;
- 7 (3) The date on which the person takes the licensure  
8 examination under this chapter; or
- 9 (4) The date on which the board revokes the temporary  
10 license;

11 whichever occurs first; provided that the board may revoke the  
12 temporary license at any time for cause."

13 SECTION 6. Section 447-3, Hawaii Revised Statutes, is  
14 amended by amending subsection (b) to read as follows:

15 "(b) Clinical dental hygiene may be practiced by a  
16 licensed dental hygienist. The practice of clinical dental  
17 hygiene is defined as the removal of hard and soft deposits and  
18 stains from the portion of the crown and root surfaces to the  
19 depth of the gingival sulcus, polishing natural and restored  
20 surfaces of teeth, the application of preventive chemical agents  
21 to the coronal surfaces of teeth, which chemical agents have





1 been approved by the board [~~of dental examiners~~], and the use of  
2 mouth washes approved by the board, but shall not include the  
3 performing of any repair work or the preparation thereof, or any  
4 other operation on the teeth or tissues of the mouth; provided  
5 that nothing in this subsection shall prohibit a dental  
6 hygienist from using or applying topically any chemical agent  
7 which has been approved in writing by the department of health  
8 for any of the purposes set forth in part V of chapter 321, and  
9 other procedures delegated by a dentist in accordance with the  
10 rules of the board [~~of dental examiners~~].

11 In addition, a licensed dental hygienist may administer  
12 intra-oral infiltration local anesthesia and intra-oral block  
13 anesthesia under the direct supervision of a dentist after being  
14 certified by the board, and for those categories of intra-oral  
15 infiltration local anesthesia and intra-oral block anesthesia  
16 for which the licensed dental hygienist has been certified  
17 through a course of study meeting the requirements of this  
18 chapter."

19 SECTION 7. Section 447-3.5, Hawaii Revised Statutes, is  
20 amended by amending subsection (e) to read as follows:



1           "(e) The board [~~of dental examiners~~] may adopt rules  
2 pursuant to chapter 91, relating to the education and  
3 certification of dental hygienists to administer intra-oral  
4 block anesthesia."

5           SECTION 8. Section 447-4, Hawaii Revised Statutes, is  
6 amended to read as follows:

7           "~~§447-4~~ Revocation of dentist's license. The board [~~of~~  
8 ~~dental examiners~~] may revoke the license of any dentist who  
9 permits any dental hygienist employed by or working under the  
10 dentist's supervision to perform any dental operation other than  
11 that permitted under this chapter."

12           SECTION 9. Section 447-6, Hawaii Revised Statutes, is  
13 amended by amending subsection (a) to read as follows:

14           "(a) In addition to any other actions authorized by law,  
15 the board [~~of dental examiners~~] may suspend or revoke any  
16 license issued under this chapter or fine a licensee for any  
17 cause authorized by law, including but not limited to the  
18 following:

- 19           (1) Professional misbehavior; or  
20           (2) Any other violation of this chapter or rules adopted  
21           pursuant thereto."



1 SECTION 10. Section 447-7, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§447-7 Filing of false information; revocation of  
4 license. The board [~~of dental examiners~~] shall refuse to grant  
5 a license to any applicant or shall revoke the license of any  
6 person who knowingly records, registers, or files, or offers for  
7 recordation, registration, or filing with the department of  
8 commerce and consumer affairs any written statement which has  
9 been falsely made, completed, or altered, or in which a false  
10 entry has been made, or which contains a false statement or  
11 false information."

12 SECTION 11. In codifying the new sections added by section  
13 2 of this Act, the revisor of statutes shall substitute  
14 appropriate section numbers for the letters used in designating  
15 the new sections in this Act.

16 SECTION 12. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 13. This Act shall take effect upon its approval.

19

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# S.B. NO. 2678

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# S.B. NO. 2678

**Report Title:**

Board of Dental Hygienist Examiners; Dentistry; Dental Hygienists

**Description:**

Creates the board of dental hygienist examiners to oversee dental hygienists separate and apart from the board of dental examiners who oversee dentists.

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

