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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 hygiene and transfer oversight of dental hygienists from the  
12 board of dental examiners to the board of dental hygiene.

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

16           "§447-A Definitions. As used in this chapter, unless the  
17 context requires otherwise:



1       "Board" means the board of dental hygiene established  
2 pursuant to section 447-B.

3       §447-B Board of dental hygiene; appointment. (a) The  
4 board of dental hygiene shall consist of seven members, four of  
5 whom shall be practicing dental hygienists who have been engaged  
6 in the practice of dental hygiene for a period of five years  
7 preceding their appointments and duly licensed under section  
8 447-1, one of whom shall be a dentist, and two of whom shall be  
9 public members. No member shall be in any way connected with,  
10 or interested financially in, any dental supply company.

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

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

20       SECTION 3. Section 26-9, Hawaii Revised Statutes, is  
21 amended by amending subsection (c) to read as follows:



1           "(c) The board of acupuncture, board of public  
2 accountancy, board of barbering and cosmetology, boxing  
3 commission, board of chiropractic examiners, contractors license  
4 board, board of dental hygiene, board of dental examiners, board  
5 of electricians and plumbers, elevator mechanics licensing  
6 board, board of professional engineers, architects, surveyors,  
7 and landscape architects, board of massage therapy, Hawaii  
8 medical board, motor vehicle industry licensing board, motor  
9 vehicle repair industry board, board of naturopathic medicine,  
10 board of nursing, board of examiners in optometry, pest control  
11 board, board of pharmacy, board of physical therapy, board of  
12 psychology, board of private detectives and guards, real estate  
13 commission, board of veterinary examiners, board of speech  
14 pathology and audiology, and any board, commission, program, or  
15 entity created pursuant to or specified by statute in  
16 furtherance of the purpose of this section including but not  
17 limited to section 26H-4, or chapters 484, 514A, 514B, and 514E  
18 shall be placed within the department of commerce and consumer  
19 affairs for administrative purposes.

20           The public utilities commission shall be placed, for  
21 administrative purposes only, within the department of commerce



1 and consumer affairs. Notwithstanding section 26-9(e), (f),  
 2 (g), (h), (j), (k), (l), (m), (n), (p), (q), (r), and (s), and  
 3 except as permitted by sections 269-2 and 269-3, the department  
 4 of commerce and consumer affairs shall not direct or exert  
 5 authority over the day-to-day operations or functions of the  
 6 commission."

7 SECTION 4. Section 447-1, Hawaii Revised Statutes, is  
 8 amended as follows:

9 1. By amending subsection (a) to read:

10 "(a) Any person:

11 (1) Eighteen years of age or over;

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

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



1           (4) Who has passed the National Board Dental Hygiene  
2           Examination;  
3 upon written application made to and filed with the board may be  
4 examined for qualification as a dental hygienist.

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

18           2. By amending subsection (f) to read:

19           "(f) No person shall practice dental hygiene, either  
20 gratuitously or for pay, or shall offer or attempt so to  
21 practice, or shall advertise or announce publicly or privately



1 as being prepared or qualified so to practice without having a  
 2 license as provided in this section. No person shall employ,  
 3 direct, or otherwise order a dental assistant or other person to  
 4 perform services or procedures within the scope of practice of  
 5 dental hygiene as provided in this chapter, unless the person  
 6 who performs the services or procedures is a licensed dental  
 7 hygienist under this section. The original or a copy of the  
 8 certificate of licensure shall be prominently displayed at all  
 9 times in the workplace where the dental hygienist is employed or  
 10 practices. A dental hygienist's pocket identification card  
 11 shall be readily available for viewing upon request to ensure  
 12 the license is current. A licensed dental hygienist shall  
 13 practice only under the supervision of a licensed dentist as  
 14 provided in this chapter; provided that a licensed dental  
 15 hygienist shall administer under the direct supervision of a  
 16 licensed dentist only those categories of intra-oral block  
 17 anesthesia listed in the course content submitted to the board  
 18 pursuant to subsection (a)."

19 SECTION 5. Section 447-1.5, Hawaii Revised Statutes, is  
 20 amended as follows:

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

1 " ~~[+] §447-1.5~~ ~~[+]~~ Community service license. (a) The board  
2 ~~[of dental examiners]~~ may issue, without examination, a  
3 community service license to practice dental hygiene in the  
4 employment of a federally qualified health center, Native  
5 Hawaiian health care system, or post-secondary dental auxiliary  
6 training program accredited by the American Dental Association  
7 Commission on Dental Accreditation. Community service licensees  
8 under this section shall abide by the requirements and  
9 conditions placed upon those fully licensed under this chapter.

10 Eligible candidates shall:

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

13 (A) A diploma or certificate of graduation from a  
14 dental hygiene college accredited by the American  
15 Dental Association Commission on Dental  
16 Accreditation, recognized and approved by the  
17 board; and

18 (B) Either of the following:

19 (i) A certificate or other evidence satisfactory  
20 to the board of having passed the  
21 examination of the National Board Dental



1 Hygiene Examination, within five years of  
2 the date of request; or

3 (ii) Evidence of active clinical dental hygiene  
4 practice of not less than one thousand hours  
5 per year for the three years immediately  
6 prior to the date of request;

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

9 (3) Disclose to the board [~~of dental examiners~~] all  
10 previous and pending legal or regulatory action  
11 relating to claims of malpractice, personal, or  
12 professional misconduct; and

13 (4) Pay applicable registration fees, which shall be one  
14 half of the prevailing biennial registration fee for  
15 dental hygienists.

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

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

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





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

2 "(e) Commissioned officers of the United States Army, the  
3 United States Navy, the United States Air Force, the United  
4 States Public Health Service, or the United States Veterans  
5 Administration practicing in a federally qualified health center  
6 or Native Hawaiian health systems center, shall qualify for a  
7 community service license to practice dental hygiene, which may  
8 be issued for the term of the dental hygienists federal duty  
9 assignment. Officers shall provide to the board [~~of dental~~  
10 ~~examiners~~]:

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

16 SECTION 6. Section 447-2, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "§447-2 Temporary license. The board [~~of dental~~  
19 ~~examiners~~] may issue, without examination, to any person  
20 qualified to be examined, a temporary license to practice as a  
21 dental hygienist in the employment of the State or any county or



1 any legally incorporated eleemosynary dispensary or infirmary,  
2 private school, or welfare center. The temporary license shall  
3 authorize the person to whom the license is issued to practice  
4 clinical dental hygiene exclusively while engaged in that  
5 employment and shall be in force until:

6 (1) The date the person leaves the employment authorized  
7 under the temporary license;

8 (2) The three hundred sixty-fifth calendar day following  
9 the date of issuance of the temporary license;

10 (3) The date on which the person takes the licensure  
11 examination under this chapter; or

12 (4) The date on which the board revokes the temporary  
13 license;

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

16 SECTION 7. Section 447-3, Hawaii Revised Statutes, is  
17 amended by amending subsection (b) to read as follows:

18 "(b) Clinical dental hygiene may be practiced by a  
19 licensed dental hygienist. The practice of clinical dental  
20 hygiene is defined as the removal of hard and soft deposits and  
21 stains from the portion of the crown and root surfaces to the



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

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



1 SECTION 8. Section 447-3.5, Hawaii Revised Statutes, is  
2 amended by amending subsection (e) to read as follows:

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

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

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

- 14 (1) Professional misbehavior; or
- 15 (2) Any other violation of this chapter or rules adopted  
16 pursuant thereto."

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

19 "§447-7 Filing of false information; revocation of  
20 license. The board [~~of dental examiners~~] shall refuse to grant  
21 a license to any applicant or shall revoke the license of any



1 person who knowingly records, registers, or files, or offers for  
2 recordation, registration, or filing with the department of  
3 commerce and consumer affairs any written statement which has  
4 been falsely made, completed, or altered, or in which a false  
5 entry has been made, or which contains a false statement or  
6 false information."

7 SECTION 11. In codifying the new sections added by section  
8 2 of this Act, the revisor of statutes shall substitute  
9 appropriate section numbers for the letters used in designating  
10 the new sections in this Act.

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

13 SECTION 13. This Act shall take effect on July 1, 2016;  
14 provided that the initial appointments to the board of dental  
15 hygiene established by section 2 of this Act shall be made by  
16 October 1, 2016; provided further that the first meeting of the  
17 board of dental hygiene established by section 2 of this Act  
18 shall be held in November 2016.

19



**Report Title:**

Board of Dental Hygiene; Establishment; Dental Hygienists;  
Regulation; Licensing

**Description:**

Establishes a separate board of dental hygiene to oversee the  
licensing and regulation of dental hygienists in the State,  
independent from the board of dental examiners, who regulate  
licensed dentists. (SD1)

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not legislation or evidence of legislative intent.*

