

JAN 23 2015

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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"



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

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

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

21 The legislature additionally finds that the Pew Center on  
22 the States report noted that Hawaii was one of eight states with



1 the most restrictions on dental hygienists, the primary  
2 practitioners who apply sealants in school-based programs.  
3 Removing unnecessary restrictions on dental hygienists will  
4 eliminate expensive and unnecessary barriers to serving children  
5 in school-based sealant programs.

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

9 Accordingly, the purpose of this Act is to:

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



1           (4) Require the department of health to report to the  
2           legislature about the department's efforts to  
3           prioritize prevention of tooth decay among the State's  
4           children; and

5           (5) Appropriate funds to establish and administer a  
6           school-based dental sealant program in a high-need  
7           demonstration school, including plans to implement the  
8           program on a statewide level.

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

11           "**§321-63 Director's specific duties and powers.** To carry  
12          out the purposes of this part, the director of health shall:

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



- 1           (2) Enter into cooperative arrangements with other  
2           departments, agencies, and institutions, public or  
3           private;
- 4           (3) Participate in the national oral health surveillance  
5           system, a national database managed by the federal  
6           Centers for Disease Control and Prevention and the  
7           Association of State and Territorial Dental Directors;
- 8           ~~[-(3)]~~ (4) Submit plans relating to dental health to the  
9           United States Public Health Service and make  
10          application for such federal funds as will assist in  
11          carrying out the purposes of this part;
- 12          ~~[-(4)]~~ (5) Accept on behalf of the State and deposit with  
13          the director of finance any grant, gift, or  
14          contribution from the federal government or other  
15          source made to assist in meeting the cost of carrying  
16          out the purposes of this part and expend the same for  
17          such purposes; and
- 18          ~~[-(5)]~~ (6) Make an annual report on activities and  
19          expenditures pursuant to this part, including  
20          recommendations for additional plans, measures, or  
21          legislation relating to the purposes of this part."



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

3 "(b) Clinical dental hygiene may be practiced by a  
4 licensed dental hygienist. The practice of clinical dental  
5 hygiene is defined as the removal of hard and soft deposits and  
6 stains from the portion of the crown and root surfaces to the  
7 depth of the gingival sulcus, polishing natural and restored  
8 surfaces of teeth, the application of preventive chemical agents  
9 to the coronal surfaces of teeth, which chemical agents have  
10 been approved by the board of dental examiners, and the use of  
11 mouth washes approved by the board, but shall not include the  
12 performing of any repair work or the preparation thereof, or any  
13 other operation on the teeth or tissues of the mouth; provided  
14 that nothing in this subsection shall prohibit a dental  
15 hygienist from using or applying topically any chemical agent  
16 which has been approved in writing by the department of health  
17 for any of the purposes set forth in part V of chapter 321[7];  
18 provided further that nothing in this subsection shall prohibit  
19 a dental hygienist from applying preventative sealants, in  
20 consultation with a licensed dentist, in a school-based dental  
21 sealant program established pursuant to Act , Session Laws  
22 of Hawaii 2015, or at a federally qualified health center; and



1 other procedures delegated by a dentist in accordance with the  
2 rules of the board of dental examiners.

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

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

15 (b) The department of health shall consult with the  
16 department of education; department of human services, med-QUEST  
17 division; federally qualified health centers; community health  
18 centers; and members of the oral health community in  
19 establishing and administering the program. A needs assessment  
20 shall be conducted to determine what area of the State would  
21 best serve as the location of the demonstration school. The  
22 needs assessment may include considerations related to



1 geographic area; target population, including income level and  
2 school grade; and the number of students eligible for the  
3 program.

4 (c) The department of health shall establish a plan for a  
5 statewide school-based dental sealant program and submit  
6 applications for any federal funds that may be available for the  
7 program.

8 (d) The department of health shall submit a report to the  
9 legislature no later than twenty days prior to the convening of  
10 the regular session of 2016. The report shall detail the  
11 department's efforts to prioritize prevention of tooth decay  
12 among the State's children, including:

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





1           fourteen-year-old children to have sealants on their  
2           permanent molar teeth; and

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

6           SECTION 5. There is appropriated out of the general  
7 revenues of the State of Hawaii the sum of \$           or so much  
8 thereof as may be necessary for fiscal year 2015-2016 and the  
9 same sum or so much thereof as may be necessary for fiscal year  
10 2016-2017 for the department of health to establish and  
11 administer a school-based dental sealant program in a high-need  
12 demonstration school, including plans to implement the program  
13 on a statewide level.

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

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

19           SECTION 7. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.



1 SECTION 8. This Act shall take effect on July 1, 2015.

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INTRODUCED BY:

Stanley H. Beh  
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# S.B. NO. 753

**Report Title:**

Dental Hygienists; School-based Dental Sealant Program

**Description:**

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 school. Appropriates funds.

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

