

# SB3085

Measure Title:	RELATING TO HEALTH.
Report Title:	Dental Hygienists; Dental Assistants; Licensing
Description:	Clarifies requirements for licensure as a dental hygienist. Prohibits dental assistants from performing certain intra-oral functions and related activities.
Companion:	<a href="#">HB2706</a>
Package:	None
Current Referral:	CPH
Introducer(s):	BAKER, ESPERO, KIDANI

**PRESENTATION OF THE  
BOARD OF DENTAL EXAMINERS**

TO THE SENATE COMMITTEE ON  
COMMERCE, CONSUMER PROTECTION, AND HEALTH

TWENTY-EIGHTH LEGISLATURE  
Regular Session of 2016

Wednesday, February 17, 2016  
9:00 a.m.

**TESTIMONY ON SENATE BILL NO. 3085, RELATING TO HEALTH.**

TO THE HONORABLE ROSALYN H. BAKER, CHAIR,  
AND MEMBERS OF THE COMMITTEE:

My name is Janet Primiano, R.D.H., Dental Hygiene Member of the Board of Dental Examiners ("Board"). I appreciate the opportunity to offer comments on Senate Bill No. 3085, Relating to Health. The purpose of this bill is to clarify the requirements for who may become a dental hygienist; and to ensure patient safety that require a degree of knowledge, skill, and training not obtained by these unlicensed activities.

Regarding Section 2 of the bill which adds new subsection 447-1(a)(4), Hawaii Revised Statutes ("HRS"), the Board currently requires certification in the administration of intra-oral infiltration local anesthesia and certification in the administration of intra-oral block anesthesia under the current statute. Therefore, the proposed amendment may not be necessary with respect to the current statute.

Regarding Section 3 of the bill, adding a new subsection 448-(3)(c), HRS, appears to also not be necessary with respect to what is already in the Board's rules, under section 16-79-69.5, Hawaii Administrative Rules, Prohibited Duties of the Dental Assistants, as well as the dental hygienists statutes, Chapter 447, HRS.

In addition, on page 4, lines 2 to 4, the Board's ability to adopt rules to delineate the duties of dental assistants is being deleted. This would result in the Board not being able to adopt rules as current practices, technology and training change. As a matter of information, Kapiolani Community College ("KCC"), is accredited by the Commission on Dental Accreditation and offers a certification program for dental assistants. KCC is currently unable to, but is ready to establish a training program for dental assistants to apply fluoride varnish, should the Board amend its administrative rules to allow dental assistants to perform that service. This bill would require the Board to go to the Legislature before any changes can be made.

The Board has had robust discussion with the House Committee on Health about some of the practical issues underlying this bill, and the Board appreciates the amendments made to this bill's House companion, House Bill No. 2706, Relating to Health, as a result of recent hearings. The Board welcomes the opportunity to continue these kinds of productive discussions regarding the appropriate requirements for dental hygienists in the State should this measure move forward.

Thank you for the opportunity to testify on Senate Bill No. 3085.

Hawaii State Legislature  
State Senate  
Committee on Commerce, Consumer Protection and Health

State Senator Rosalyn H. Baker, Chair  
State Senator Michelle N. Kidani, Vice Chair  
Committee on Commerce, Consumer Protection and Health

Wednesday, February 17, 2016, 9:00 a.m. Room 229  
Senate Bill 3085 Relating to Health

Honorable Chair Rosalyn H. Baker, Vice Chair Michelle N. Kidani, and members of the Senate Committee on Commerce, Consumer Protection and Health,

My name is Russel Yamashita and I am the legislative representative for the Hawaii Dental Association (HDA) and its 960 member dentists. I appreciate the opportunity to testify in opposition of Senate Bill 3085 Relating to Health. The Board of Dental Examiners currently regulates the scope of practice for dentists and dental hygienists and intends to update the rules, making this bill both unnecessary and potentially harmful.

Dental health services relating to dental hygienists and dental assistants is modernizing. Highly trained dental assistants now are permitted on the mainland to perform some basic services and procedures which were previously performed by dental hygienists. By passing this legislation and blocking the Board from updating the rules, Hawaii will be locking itself in to archaic practices and procedures.

We also believe that strict adherence to the provisions in this bill will increase the cost of dental health care for both dentists in private practice and for community health centers around the state. Those increased costs will further impede the access to care in communities where there are few dentists to begin with, in either public or private settings. Worse, this bill could reduce available services in marginally served communities when private dentists or community health centers which cannot absorb the costs created by this legislation.

The Hawaii Dental Association opposes this legislation on the poor public policy it sets and the additional financial burden it puts on consumers in Hawaii.



Senate Committee on Commerce, Consumer Protection and Health

February 17, 2016

Senate Hearing on SB 3085 Relating to HEALTH

**Testimony in Support of SB 3085**

Ellie Kelley-Miyashiro, RDH

Regulation and Practice Chairperson HDHA 2016

Dear Respected Members of the Senate Committee on Commerce, Consumer Protection and Health:

The Hawaii Dental Hygienists' Association (HDHA) supports the intent of **SB 3085**. We would like to congratulate you on your leadership in initiating this important discussion during this legislative session. This bill will bring a much-needed resolution to an existing debate with the Hawaii Board of Dental Examiners regarding qualifications of a Dental Hygienist and allowable duties of a Dental Assistant.

**SB 3085** appears to address two factors affecting the Hawaii Revised statutes relating to dental hygiene and dentistry. HDHA will address these two factors separately in this testimony.

Regarding the matter of who may become a dental hygienist, HDHA strongly supports the amendment of HRS 447-1. **SB 3085** clarifies the original intention of the Statute to have ALL dental hygienists in Hawaii certified in Local Infiltration **and** Block Anesthesia, guaranteeing the highest standard of safety and care for the public.

From the implementation of the anesthesia law in the 1990's, Hawaii's hygienists have been held to the highest standard of training and care requiring certification in Local infiltration anesthesia **and** Block anesthesia. Because of the required certifications, the University of Hawaii at Manoa changed their curriculum shortly after, to become compliant with the law that newly licensed hygienists be duly certified in Local **and** Block anesthesia.

For years, hygiene licensure applicants were required to submit records showing Hawaii's block anesthesia requirements were met at a CODA accredited university, or a secondary anesthesia course approved by the HBODE was completed with a pre-determined number of Block injections. If neither of these scenarios were fulfilled, licensure was denied until Hawaii's Block **and** Local anesthesia requirements could be met.

In the last few years, HDHA has made several attempts to address the HBODE regarding new dental hygiene licenses issued with no Block Anesthesia requirements and a separate classification of "Local Infiltration Only" licenses being given to new applicants, usually from out of state. They, along with the newest Deputy Attorney General have consistently stated HDHA was misinterpreting the Statute and that Local Infiltration or Block anesthesia was acceptable for licensure. HRS 447-1 clearly states Local Infiltration **and** Block anesthesia is a requirement, not either/or!

HDHA would like to see the original intent be restored to all future dental hygiene applicants. Simply said, the better trained we are, the safer the public is!

As regards to the amendment of HRS 448-3 relating to allowable duties of a dental assistant, HDHA is also in support of this amendment. By proposing to add language within the Hawaii Administrative Rules, allowing dental assistants to apply fluoride varnish The HBODE and the current Deputy AG are encroaching on the existing Scope of Practice for dental hygienists, layed out in HRS-447-3 (application of preventive chemical agents to the coronal surfaces of teeth). According to this statute, applying fluoride varnish to the teeth is an allowable duty of a licensed dental hygienist and therefore cannot be an allowable function of a dental assistant at this time.

In the future, HDHA would support the licensure or certification of dental assistants with expanded duties, like fluoride varnish application, should the proper HBODE course approved infrastructure (not on the job training) be in place.

HDHA thanks you for your time and consideration of **SB 3085**. We would like to convey our desire that dentists, assistants and hygienists continue to be integral members of the oral health team, and feel that the public is best served and protected when all oral health providers are highly trained, certified or licensed and work within their practice acts.

Thank you for your time and consideration.

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**SB3085**

Submitted on: 2/11/2016

Testimony for CPH on Feb 17, 2016 09:00AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Christine Schroeder	Individual	Support	No

Comments:

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**Re: SB. NO. 3085**

**Committee on Health**

**Hearing Date: February 16th, 2016**

**Time: Senate 11:30am /House of Rep. 12:00**

**Place: Conference Room 329**

**RELATING TO DENTAL HYGIENISTS**

**FEBRUARY 8, 2016**

Good Morning Honorable Members of the House and Senate:

This testimony is in support of SB 3085.

My name is Diana Smith RDH, BA. I've been a licensed Dental Hygienist for 35years, 25 of those years in Hawaii. I'm a member of the American Dental Hygienists' Association, the Hawaii Island Trustee for the Hawaii Dental Hygienists' Association and past President for the Big Island HDHA component. I'm employed full time in a private practice and I'm currently volunteering in a 2 year program I've developed for "Full Life" Empowering people with disabilities.

I'd like to thank the members of legislature for taking the time to address these issues.

This is a public safety issue. The wording in section 448-3 b (**Duties of the dental assistant and regulatory directives shall be delineated under rules which the board of dental examiners may from time to time adopt**) this seems to be very open ended statement.

It gives the dental board a "carte blanche" to decide what procedures a dental assistant can do. The board presently has the ability to allow "any" service the board of dental examiners decided to adopt, which may include duties and procedures that are presently provided by licensed hygienists, to be delegated to an unlicensed dental assistant. This allows the dentists to "Save Costs" by not employing a licensed professional, bottom line.

Having a complete list of duties that are "not" to be performed by dental assistants eliminates questions concerning assisting duties. There are many intra-oral procedures that require technical skills and formal education. These cannot be adequately provided by a few hands-on in office instruction. Dental assistants are NOT required a certification, some dental assistants



do hold certifications from other states, however there are NO requirements for dental assistants (including a high school diploma) in Hawaii. SB3085 makes the duties of the dental assistant clear.

We need to have licensed/college educated dental professionals who have an understanding of biological and chemical interactions and who have been formally trained to provide these dental services to the public and therefore protect their safety.

Thank-you for taking the time address this matter,

Diana G. Smith RDH, BA, member ADHA, HDHA Big Island Trustee

85-4589 Mamalahoa Hwy.

Captain Cook, Hi 96704

808 345-7019 [dgsinhawaii@yahoo.com](mailto:dgsinhawaii@yahoo.com)

**Re: SB 3085 RELATING TO HEALTH**

**Committee on Commerce, Consumer Protection, and Health**

Senator Rosalyn H. Baker, Chair

Senator Michelle N. Kidani, Vice Chair

Hearing Date: Wednesday, February 17, 2016

Time: 9:00 am

Place: Conference Room 229

**Dear Honorable Senator Baker, Chair, Senator Kidani, Vice Chair, and Committee Members:**

This testimony is in **support** of **SB 3085**.

My name is Diane Brucato, RDH, EF, BS, FAADH. I have been a practicing Dental Hygienist in good standing on the island of Hawaii since 1992, living in Hilo with the privilege to have practiced in Kona and Hilo. I have taken an active role in leadership; volunteered in my community, island, and state; **attended almost every Board of Dental Examiners meeting since 2007**; and twice applied for a position on the Board of Dental Examiners (HBODE). I am now serving my sixth year on the Regulated Industries Complaints Office's (RICO) Dental Advisory Committee. A dental hygienist since 1979, I am a former Anesthesia Examiner for Western Regional Examining Board, and member of the American Association of Dental Boards since the mid 1980's. Active in the legislative process when block anesthesia for dental hygienists became a part of our Statute, I was the first dental hygienist to receive certification in block anesthesia in Hawaii.

**Thank you for the thought and consideration that went into the creation of SB 3085. It is important in that it has the power to resolve long standing issues of public safety and concern. This testimony will include history as support and will be divided into two sections to address the two parts of SB 3085.**

**SECTION 1: Block Anesthesia**

When block anesthesia was introduced for dental hygienists, consideration was given to the practicing licensed dental hygienists in Hawaii, who had no desire to perform this function. They were grandfathered with a choice whether or not to pursue certification. Those who wished to were provided stringent guidelines and criteria to fulfill. In order to raise the standard of care in Hawaii, and provide that eventually **all** dental hygienists would be qualified to provide this service, all new licensure applicants were required to fulfill those criteria and be certified in order to obtain licensure.

This was enforced until two years ago, when there appeared a sprinkling of dental hygiene applicants licensed without block anesthesia certification, which increased over time to the majority. **Somewhere along the line, "and" statements in the Statute were suddenly interpreted as "or" statements, different from the original intent.**

According to Stanley Malamed, DMD, expert on Dental Anesthesia, **block anesthesia is the safest and the highest standard for pain control.** Infiltration anesthesia has a high risk of toxicity, overdose, and medical emergency due to the stress of multiple injections.

**SB 3085 clarifies the original intention of the Statute to have ALL dental hygienists in Hawaii certified in Block Anesthesia, and guarantees the highest standard of safety and care for the public.**

## **SECTION 2: Prohibited Duties for Dental Assistants**

In November of 2007, the Hawaii Board of Dental Examiners (HBODE) began a **complete update of the entire Hawaii Administrative Rules Chapter 79**, in order to bring them **CURRENT** with HR Statutes and remove redundancies. In January, 2008, a draft containing proposed language to allow expanded duties for dental assistants with no standardized education, testing, or certification, appeared for consideration with no history of public meeting, forcing Hawaii Dental Hygienists' Association (HDHA) to put the HBODE on notice for violation of Sunshine Law. HDHA demonstrated these duties were unsafe and in clear violation of HRS 447-3(b). The HBODE became careful to comply with the Sunshine Law and the inclusion of those expanded duties was abandoned, although Hawaii Dental Association persisted with testimony to include them. That process required constant vigilance for public safety. **Only TWO years ago, in January 2014, the result of that extensive Rules Change process was implemented.**

In recent months, it came to the attention of HBODE that medical assistants were applying fluoride varnish on children. According to Donald Balasa, JD, MBA, the American Association of Medical Assistants' Chief Executive Officer and Legal Counsel:

**Medical assistants cannot be delegated any duties that:**

- (1) constitute the practice of medicine or require the skill and knowledge of a licensed physician;
- (2) are restricted in state law to other health professionals;**
- (3) require the medical assistant to exercise independent professional judgment or to make clinical assessments, evaluations, or interpretations.**

In addition, the HBODE acknowledged that there are dental assistants placing fluoride varnish on children's teeth in many dental offices. **Rather than advise the HBODE to initiate or take disciplinary action against the pediatricians and dentists in violation, who are putting public safety at risk, and contrary to previous Deputy Attorneys General (DAG), the current DAG cited the last line of HRS 448-3(b) "Duties of the dental assistant and regulatory directives shall be delineated under rules which the board of dental examiners may from time to time adopt" as a loophole in the Statutes to enable the HBODE to create rules in violation of HRS 447-3(b) to achieve their goals with no regard to public safety.** In fact, at the January 25<sup>th</sup>, 2016, Rules meeting, **the DAG encouraged the HBODE to delete the section of HAR 16-79-69.5 after the semicolon, ultimately deleting the public safety net from the rules.**

§16-79-69.5 Prohibited duties of dental assistants.

A dental assistant shall not perform the following intra-oral functions or any other activity deemed to be irreversible as to cause change in the affected hard or soft tissues and is permanent or may require reconstructive or corrective procedures; and any other activity which represents the practice of dentistry and dental hygiene or requires the knowledge, skill, and training of a licensed dentist or licensed dental hygienist:

As a result, HBODE has proposed a rule to allow dental assistants to apply any type of fluoride, “the application of a chemical preventive agent to the coronal surfaces of teeth”, which is in violation of 447-3 (b):

§447-3 Employment of and practice by dental hygienists.

(b) Clinical dental hygiene may be practiced by a licensed dental hygienist. The practice of clinical dental hygiene is defined as the removal of hard and soft deposits and stains from the portion of the crown and root surfaces to the depth of the gingival sulcus, polishing natural and restored surfaces of teeth, the application of preventive chemical agents to the coronal surfaces of teeth, which chemical agents have been approved by the board of dental examiners, and the use of mouth washes approved by the board,...

They have proposed this requiring **only on the job training** by a dentist, without standardized education, testing, or means of regulation. Fluoride is a well-accepted preventive agent in the hands of licensed professionals. **It is also a known poison with specific contraindications with specific products on specific patients. The safe application of various fluoride treatments, requires the knowledge, skill, training, and licensure of a dentist or dental hygienist.**

Misinformed dentists will believe that this bill is threatening to remove allowable duties for dental assistants. However, **a side by side comparison** of the current HAR16-79-69.5 and SB 3085 shows that to be completely untrue. SB 3085 simply clarifies HAR 16-79-69.5(7) by spelling out “the exception of duties listed in section 16-79-69.1”. It also adds **two** specific duties in order to **clarify and support 447-3b: #15 and #17** (Note: #16 is a redundancy stated within #14), and prevent further question. (Please note typographical error # 13 should read “...pulp vitality” not “...pulp variety”.)

**SB 3085 TAKES THE CURRENT (1/2014) LIST OF PROHIBITED DUTIES FOR DENTAL ASSISTANTS (HAR 16-79-69.5), WORD FOR WORD, AND DROPS IT NEATLY INTO THE STATUTES; PREVENTING ANY FURTHER THREAT TO PUBLIC SAFETY BY UNREGULATED PERSONS, AND ELIMINATING REDUNDANT, TIME-CONSUMING RE-VISITATION.**

Please do not be misled by opposition. SB 3085 ensures standardized education, examination, regulation, the highest standard of care, and, most importantly, **public safety**. Please support SB 3085. Thank you for your consideration.

Respectfully yours,

Diane Brucato, RDH, EF, BS, FAADH

d.bt@live.com (808) 937-7282

Member, Regulated Industries Complaints Office’s (RICO) Dental Advisory Committee (2010-present)

Member, American Association of Dental Boards

Past President, American Academy of Dental Hygiene

ADHA/Hu-Friedy Master Clinician Award 2008

Past President, Hawaii Dental Hygienists’ Association

Sunstar/RDH Award of Distinction 2002

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**SB3085**

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gayle C Chang, RDH, BEEd	Individual	Support	No

Comments: I am in support of SB3085 that will protect the duties of dental hygienists.

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Gerraine Hignite, RDH, BS

755 Puu Hina Place

Pearl City, HI 96782

State Senator Rosalyn Baker, Chair

State Senator Michelle Kidani, Vice Chair

Committee on Commerce, Consumer Protection and Health

Wednesday, February 17, 2016, 9:00 am. Room 229

**SUPPORT** of HB3085 Relating to Dental Hygienists; Dental Assistants; Licensing.

Honorable Chairperson Rosalyn Baker, Vice-chair Michelle Kidani, and Respected members of Committee on Commerce, Consumer Protection and Health,

My name is Gerraine Hignite and I am a licensed Registered Dental Hygienist in the State of Hawaii since 2005. I appreciate the opportunity to testify in **support** of SB3085 Relating to Dental Hygienists; Dental Assistants; Licensing.

Public safety refers to the welfare n protection of the general public with the primary goal of prevention n protection of public from dangers affecting safety such as crimes or disasters. By allowing unlicensed/unregulated dental assistants/dental auxiliary to perform duties that only licensed dentists n registered dental hygienists are educated to perform are considered to be a major concern for the public's safety. When one visits a dental office for the treatment and care of their teeth, the person trusts that the staff will provide a comprehensive quality approach with safety and their well-being in mind.

As for the licensing requirements of dental hygienists, it is of utmost concern that dental hygienists have completed and provide all required documentation listed in order to be licensed in the State of Hawaii. As of 2011- present, public records have shown that 95 Dental Hygienist licenses were issued to hygienists without block anesthesia. Incomplete documentation should NOT allow the applicant a license and is considered a major public safety issue. Those who have been given a license with partial documentation, should be required to complete the requirements before the next license renewal or forfeit their license.

Licensed and qualified Dental Hygienists in the State of Hawaii will protect the health, safety and welfare of the public. That being said, I am in **SUPPORT** of HB2706.

Thank you for your time and consideration.

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**SB3085**

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gwendolyn Rosario	Individual	Support	No

Comments:

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**SB3085**

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jaimie	HDHA	Support	No

Comments: I just realized the clicked INCORRECT position on this bill...I SUPPORT this bill!!!

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**SB3085**

Submitted on: 2/15/2016

Testimony for CPH on Feb 17, 2016 09:00AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
JANA NAKAMURA	Individual	Support	No

Comments:

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**SB3085**

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jennifer Takata	Individual	Support	No

Comments:

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**SB3085**

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Joanne Takahashi	Individual	Support	No

Comments:

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**SB3085**

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joni Wood	Individual	Support	No

Comments:

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**SB3085**

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karen guevarra	Individual	Support	No

Comments:

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**SB3085**

Submitted on: 2/11/2016

Testimony for CPH on Feb 17, 2016 09:00AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lenora Marks	Individual	Support	No

Comments:

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**SB3085**

Submitted on: 2/15/2016

Testimony for CPH on Feb 17, 2016 09:00AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lori Tamayori	Individual	Support	No

Comments:

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**SB3085**

Submitted on: 2/11/2016

Testimony for CPH on Feb 17, 2016 09:00AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Maile Hirata	Individual	Support	No

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Marianne Timmerman, RDH  
45-180 Mahalani Place #21  
Kaneohe, HI 96744

February 15, 2016

Senators,

I support SB 3085 and want to thank you for introducing this bill.

In appreciation,

Marianne Timmerman, RDH

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**SB3085**

Submitted on: 2/12/2016

Testimony for CPH on Feb 17, 2016 09:00AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melody Hayase, RDH	Individual	Support	No

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**SB3085**

Submitted on: 2/11/2016

Testimony for CPH on Feb 17, 2016 09:00AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nancy Castro	Individual	Support	No

Comments:

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**SB3085**

Submitted on: 2/15/2016

Testimony for CPH on Feb 17, 2016 09:00AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Noelani Greene	Individual	Support	No

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**SB3085**

Submitted on: 2/12/2016

Testimony for CPH on Feb 17, 2016 09:00AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Norine Kalaiwaa, RDH	Individual	Support	No

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**SB3085**

Submitted on: 2/15/2016

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Robyn Kurahara	Individual	Support	No

Comments:

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**SB3085**

Submitted on: 2/12/2016

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rosie	Individual	Support	No

Comments:

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**SB3085**

Submitted on: 2/11/2016

Testimony for CPH on Feb 17, 2016 09:00AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sharon Yagyagan	Individual	Support	No

Comments: I

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## **Relating to SB 3085**

### **Committee on Commerce, Consumer Protection & Health**

Senator Rosalyn Baker, Chair    Senator Michelle Kidani ,Vice Chair

Hearing Date: February 17, 2016

Time: 9:00 AM

Place: Room 229

Dear Honorable Senator Roz Baker, Chair, Senator Michelle Kidani, Vice Chair  
and Members of the Committee,

I am writing in support of SB 3085

My name is Sierra Spruce, RDH and I have been a full time practicing hygienist for 45 years, 30 of those years in Kona, Hawaii. I have served in leadership positions in both Texas and Hawaii. I served on the Dental Hygiene Advisory Committee to the Texas State Board of Dental Examiners and have served as a grader for the Hawaii dental hygiene board exams.

This bill serves to clarify who may become a dental hygienist. Part of the requirements for licensure specify an applicant be certified in local intra-oral infiltration and intra-oral block anesthesia. The Board of Dental Examiners has waived this requirement and issued licenses to applicants who do not have this certification. This requirement is part of the statute (section 447-1).

The bill also delineates the prohibited duties of the dental assistant and places them in the statute. Most assistants in this state are on the job trained employees, with no official education, certification or examination. They work under the supervision of the dentist but are usually trained by other assistants in the office. The BODE has tried in the past and is currently seeking to change the duties of these auxiliaries without regard for public safety.

Please give your support to this important bill.

Sincerely,

Sierra Spruce, RDH

Ocean View, Hawaii

Past President, Hawaii Dental Hygienists' Association

Past President, Texas Dental Hygienists' Association



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**SB3085**

Submitted on: 2/16/2016

Testimony for CPH on Feb 17, 2016 09:00AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stacy Matsuyama-Sekioka	Individual	Support	No

Comments:

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**SB3085**

Submitted on: 2/11/2016

Testimony for CPH on Feb 17, 2016 09:00AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Susan Eladnani RDH	Individual	Support	No

Comments:

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**SB3085**

Submitted on: 2/15/2016

Testimony for CPH on Feb 17, 2016 09:00AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Teri A Matsumura	Individual	Support	No

Comments:

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**SB3085**

Submitted on: 2/15/2016

Testimony for CPH on Feb 17, 2016 09:00AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Theresa Brown	HDHA	Support	No

Comments:

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**SB3085**

Submitted on: 2/11/2016

Testimony for CPH on Feb 17, 2016 09:00AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tracy Furukawa	Individual	Support	No

Comments:

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**SB3085**

Submitted on: 2/11/2016

Testimony for CPH on Feb 17, 2016 09:00AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
VICKI PHAN, RDH	Individual	Support	No

Comments: This bill is very important to maintain the integrity and educational requirements of dental hygienist's duties and services performed on the public. It would be a major disservice to the public to allow improperly trained employees to perform dental hygiene services on the public. Please help us maintain our highly educated and trained professional duties.

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I am Dr. Steve Wilhite, President of the Hawaii Dental Association and a dentist in private practice.

I wish to testify in opposition to SB3085.

First, this measure would needlessly restrict the Hawaii Board of Dental Examiners from input into defining rules regarding Dental Assistants. The Board of Dental Examiners currently regulates the scope of practice for dentists and dental hygienists and intends to update the rules, making this bill both unnecessary and potentially harmful.

Second, the most egregious point of this bill is that it will prohibit dental assistants from applying topical fluoride on coronal surfaces of the teeth. Currently, Hawaii is the only state in the country that prohibits dental assistants this activity. Medical assistants in Hawaii are allowed to place topical fluoride in pediatrician/physician's offices; therefore, Dental Assistants should not be prohibited from doing so in a dental office. This provision alone will increase cost 3 to 4 times on EVERY patient receiving a topical application. Those increased costs will further impede the access to care in communities where there are few dentists to begin with, in either public or private settings.

I oppose this legislation on the poor public policy it sets and the additional financial burden it puts on consumers in Hawaii.

Thank You,

Dr. Steve Wilhite

February 12, 2016

Senator Rosalyn Baker, Chair  
Senator Michelle Kidani, Vice Chair  
Senators on the Committee on Commerce, Consumer Protection, and Health

Re: SB 3085

Dear Senators:

My name is Curt S. Shimizu, DDS. I am a general dentist licensed to practice in Hawaii. I have been in private practice for 32 years on Oahu.

I write to urge you to defeat SB 3085 because it will restrict the Hawaii State Board of Dental Examiners from exercising their duties in making simple rules changes. Being able to change existing rules to allow for modernization and advances in technology is important for the delivery of dental care and public safety. An inquiry with the Board of Dental Examiners would reveal that they have studied current practice modalities and are ready to modernize the rules relating to the duties dental hygienists and dental assistants may or may not perform.

New line item #17 prohibiting dental assistants from applying preventive chemical agents to the coronal surfaces of teeth would not serve the public. The placement of fluoride on teeth helps keiki and adults as many scientific studies have shown. Across the nation, 49 states allow this procedure; Hawaii needs to be part of the national trend to allow dental assistants to provide these services. And, in Hawaii, medical assistants are allowed to place fluoride on teeth. Hawaii's dental assistants should be allowed to provide this service to Hawaii's dental patients.

Please defeat and remove SB 3085 from consideration. Allow the Board of Dental Examiners to do their due diligence in making decisions concerning dentistry in Hawaii.

Thank you for allowing me this opportunity to submit testimony opposing SB 3085.

Sincerely,

Curt S. Shimizu, DDS  
Oahu general dentist  
Past President, Hawaii Dental Association

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**SB3085**

Submitted on: 2/14/2016

Testimony for CPH on Feb 17, 2016 09:00AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dr. Lili Horton	Individual	Oppose	No

Comments: Honorable Chair Baker and Members of the Senate Commerce, Consumer Protection Health Committee, A major cause for opposing this bill is that in Section 3b, the striking out of the language assigning the rule making and modification of rules by the Board of Dental Examiners regarding dental assistant duties requires that any changes in dental assisting rules in the future will require legislative action. This effectively removes the administrative regulation of dental assisting from a group of qualified and vetted professionals and places that responsibility directly under the Legislature. I urge you to let the Board of Dental Examiners continue their important work to carefully review and update the Dental Practice Acts. Understanding the dynamics of a dental team is critically important in rule making, and these professionals can best recommend the appropriate changes needed for quality, safe and cost effective dental care. Thank you for allowing me to provide my opposition testimony to SB3085. Respectfully submitted, Lili Horton, DMD, MS

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Honored members of The Senate Committee on Commerce, Consumer Protection, and Health

Senator Rosalyn H. Baker, Chair

Senator Michelle N. Kidani, Vice Chair

Senators Wil Espero, Les Ihara, Clarence K Nishihara, Russell E Ruderman, Sam Slom

Hearing scheduled for Wednesday, February 17, 2016 9:00am Conference Room 229

Testimony in **opposition** to SB3085

RELATING TO HEALTH.

Clarifies requirements for licensure as a dental hygienist. Prohibits dental assistants from performing certain intra-oral functions and related activities.

My name is Darrell Teruya. I am a licensed General Dentist actively practicing in the State of Hawai'i since 1984.

This measure would needlessly restrict the Hawaii Board of Dental Examiners from input into defining rules regarding Dental Assistants, mandate an unnecessary block anesthesia requirement for Dental Hygiene licensure, and eliminate much of the duties currently allowed by Dental Assistants under direct supervision of a Licensed Dentist. It is a little confusing as to why the last item should be addressed as a Statutory change and not in the Rules section.

A final note, as an aside, on page 6 line 7 I am unfamiliar with the term "testing pulp variety".

I would strongly urge the members of this committee to remove this bill from any serious consideration.

Thank you for this opportunity to submit testimony in opposition to SB3085.

Darrell Teruya, DDS

previous past-President, Hawai'i Dental Association (2008)