



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 5, 2017 **GOV. MSG. NO. 1184**

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Ninth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Twenty-Ninth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 5, 2017, the following bill was signed into law:

HB563 HD1 SD1

RELATING TO DENTAL HYGIENISTS
ACT 083 (17)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

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 dental hygienists
2 are highly-trained, important members of an oral health team who
3 administer a range of oral health services to patients.
4 However, under current law, licensed dental hygienists must
5 operate under the direct supervision of a licensed dentist in
6 most circumstances, meaning that a supervising licensed dentist
7 must examine and diagnose the condition to be treated, authorize
8 each procedure, and remain in the office or facility while the
9 act or procedure is being performed.

10 The legislature further finds that when a dental hygienist
11 operates under general supervision, the supervising licensed
12 dentist must still examine and diagnose the condition to be
13 treated and authorize each procedure to be carried out, but the
14 dentist is not required to be physically present during the
15 delegated act or procedure. Under general supervision, the
16 dentist must be available for consultation even if not
17 physically present during the delegated act or procedure and is



1 responsible for all delegated acts and procedures performed by
2 the licensed dental hygienist. Permitting licensed dental
3 hygienists to operate under general supervision, rather than
4 direct supervision, when treating patients of record with an
5 established treatment plan will give dentists more flexibility
6 in their practices, enable the dentistry profession to keep pace
7 with increased patient need, and maintain safeguards for
8 patients.

9 Accordingly, the purpose of this Act is to permit licensed
10 dental hygienists in the State to operate under the general
11 supervision of a licensed dentist in specified circumstances.

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

14 "(f) No person shall practice dental hygiene, either
15 gratuitously or for pay, or shall offer or attempt so to
16 practice, or shall advertise or announce publicly or privately
17 as being prepared or qualified so to practice without having a
18 license as provided in this section. The original or a copy of
19 the certificate of licensure shall be prominently displayed at
20 all times in the workplace where the dental hygienist is
21 employed or practices. A dental hygienist's pocket



1 identification card shall be readily available for viewing upon
2 request to ensure the license is current. A licensed dental
3 hygienist shall practice only under the supervision of a
4 licensed dentist as provided in this chapter; provided that a
5 licensed dental hygienist [~~shall administer~~]:

- 6 (1) May administer under the direct supervision of a
7 licensed dentist only those categories of intra-oral
8 block anesthesia listed in the course content
9 submitted to the board pursuant to subsection (a) [-];
- 10 (2) May practice under the general supervision of a
11 licensed dentist and pursuant to an existing treatment
12 plan with respect to patients of record who have had
13 an examination by the licensed dentist; provided that
14 a licensed dental hygienist shall not perform any
15 irreversible procedure or administer any intra-oral
16 block anesthesia under general supervision; and
- 17 (3) May practice under the direct supervision of a
18 licensed dentist as provided in this chapter."

19 SECTION 3. Section 447-3, Hawaii Revised Statutes, is
20 amended by amending subsections (b), (c), and (d) to read as
21 follows:



1 "(b) Clinical dental hygiene may be practiced by a
2 licensed dental hygienist. The practice of clinical dental
3 hygiene is defined as the removal of hard and soft deposits and
4 stains from the portion of the crown and root surfaces to the
5 depth of the gingival sulcus, polishing natural and restored
6 surfaces of teeth, the application of preventive chemical agents
7 to the coronal surfaces of teeth, which chemical agents have
8 been approved by the board of dental examiners, and the use of
9 mouth washes approved by the board, but shall not include the
10 performing of any repair work or the preparation thereof, or any
11 other operation on the teeth or tissues of the mouth; provided
12 that nothing in this subsection shall prohibit a dental
13 hygienist from using or applying topically any chemical agent
14 which has been approved in writing by the department of health
15 for any of the purposes set forth in part V of chapter 321, and
16 other procedures delegated by a dentist in accordance with the
17 rules of the board of dental examiners.

18 In addition, a licensed dental hygienist may administer
19 intra-oral infiltration local anesthesia and intra-oral block
20 anesthesia under the [~~direct~~] supervision of a dentist as
21 provided in section 447-1(f) after being certified by the board,



1 and for those categories of intra-oral infiltration local
2 anesthesia and intra-oral block anesthesia for which the
3 licensed dental hygienist has been certified through a course of
4 study meeting the requirements of this chapter.

5 (c) A licensed dental hygienist may operate in the office
6 of any licensed dentist, or legally incorporated eleemosynary
7 dental dispensary or infirmary, private school, welfare center,
8 hospital, nursing home, adult day care center or assisted living
9 facility, mental institution, nonprofit health clinic, or in any
10 building owned or occupied by the State or any county, but only
11 under the aforesaid employment and under the direct or general
12 supervision of a licensed dentist [~~; provided that in the private
13 practice of dentistry, the hygienist shall be under the direct
14 supervision of a licensed dentist.~~] as provided in section
15 447-1(f). No dental hygienist may establish or operate any
16 separate care facility which exclusively renders dental hygiene
17 services.

18 (d) A licensed dental hygienist may operate under the
19 [~~general or direct~~] supervision as provided in section 447-1(f)
20 of any licensed dentist providing dental services in a public
21 health setting. As used in this subsection, "public health



1 setting" includes dental services in a legally incorporated
 2 eleemosynary dental dispensary or infirmary, private school,
 3 welfare center, hospital, nursing home, adult day care center or
 4 assisted living facility, mental institution, nonprofit health
 5 clinic, or the State or any county. A licensed dental hygienist
 6 employed in a public health setting may perform dental
 7 education, dental screenings, and fluoride applications. Other
 8 permissible duties shall be pre-screened and authorized by a
 9 supervising licensed dentist, subject to the dentist's
 10 determination that the equipment and facilities are appropriate
 11 and satisfactory to carry out the recommended treatment plan.
 12 No direct reimbursements shall be provided to licensed dental
 13 hygienists."

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

16 SECTION 5. This Act shall take effect on July 1, 2017.

17

APPROVED this 5 day of JUL , 2017



GOVERNOR OF THE STATE OF HAWAII

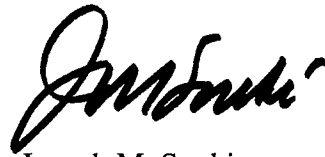


HB No. 563, HD 1, SD 1

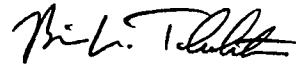
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 28, 2017
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2017.



Joseph M. Souki
Speaker
House of Representatives





Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAII

Date: April 3, 2017
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Twenty-ninth Legislature of the State of Hawaii, Regular Session of 2017.


President of the Senate


Clerk of the Senate