

JAN 20 2017

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 a supervising licensed dentist must
7 examine and diagnose the condition to be treated, authorize each
8 procedure, and remain in the office or facility while the
9 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 a condition to be
13 treated and authorize each procedure to be carried out, but the
14 supervising licensed dentist is not required to be physically
15 present during the delegated act or procedure. Under general
16 supervision, the dentist must still be available for
17 consultation even if not physically present during the delegated



1 act or procedure and is still responsible for all delegated acts
2 and procedures performed by licensed dental hygienists.
3 Permitting licensed dental hygienists to operate under general
4 supervision, rather than direct supervision, will give dentists
5 more flexibility in their practices and enable the dentistry
6 profession to keep pace with increased patient need, while still
7 maintaining certain safeguards for patients.

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

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

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



1 request to ensure the license is current. A licensed dental
2 hygienist shall practice only under the supervision of a
3 licensed dentist as provided in this chapter; provided that a
4 licensed dental hygienist shall administer under the [~~direct~~]
5 general supervision of a licensed dentist only those categories
6 of intra-oral block anesthesia listed in the course content
7 submitted to the board pursuant to subsection (a)."

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

11 "(b) Clinical dental hygiene may be practiced by a
12 licensed dental hygienist. The practice of clinical dental
13 hygiene is defined as the removal of hard and soft deposits and
14 stains from the portion of the crown and root surfaces to the
15 depth of the gingival sulcus, polishing natural and restored
16 surfaces of teeth, the application of preventive chemical agents
17 to the coronal surfaces of teeth, which chemical agents have
18 been approved by the board of dental examiners, and the use of
19 mouth washes approved by the board, but shall not include the
20 performing of any repair work or the preparation thereof, or any
21 other operation on the teeth or tissues of the mouth; provided



1 that nothing in this subsection shall prohibit a dental
2 hygienist from using or applying topically any chemical agent
3 which has been approved in writing by the department of health
4 for any of the purposes set forth in part V of chapter 321, and
5 other procedures delegated by a dentist in accordance with the
6 rules of the board of dental examiners.

7 In addition, a licensed dental hygienist may administer
8 intra-oral infiltration local anesthesia and intra-oral block
9 anesthesia under the [~~direct~~] general supervision of a dentist
10 after being certified by the board, and for those categories of
11 intra-oral infiltration local anesthesia and intra-oral block
12 anesthesia for which the licensed dental hygienist has been
13 certified through a course of study meeting the requirements of
14 this chapter.

15 (c) A licensed dental hygienist may operate in the office
16 of any licensed dentist, or legally incorporated eleemosynary
17 dental dispensary or infirmary, private school, welfare center,
18 hospital, nursing home, adult day care center or assisted living
19 facility, mental institution, nonprofit health clinic, or in any
20 building owned or occupied by the State or any county, but only
21 under the aforesaid employment and under the [~~direct-or~~] general



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1 supervision of a licensed dentist [~~7 provided that in the private~~
2 ~~practice of dentistry, the hygienist shall be under the direct~~
3 ~~supervision of a licensed dentist]~~. No dental hygienist may
4 establish or operate any separate care facility which
5 exclusively renders dental hygiene services.

6 (d) A licensed dental hygienist may operate under the
7 general [~~or direct~~] supervision of any licensed dentist
8 providing dental services in a public health setting. As used
9 in this subsection, "public health setting" includes dental
10 services in a legally incorporated eleemosynary dental
11 dispensary or infirmary, private school, welfare center,
12 hospital, nursing home, adult day care center or assisted living
13 facility, mental institution, nonprofit health clinic, or the
14 State or any county. A licensed dental hygienist employed in a
15 public health setting may perform dental education, dental
16 screenings, and fluoride applications. Other permissible duties
17 shall be pre-screened and authorized by a supervising licensed
18 dentist, subject to the dentist's determination that the
19 equipment and facilities are appropriate and satisfactory to
20 carry out the recommended treatment plan. No direct
21 reimbursements shall be provided to licensed dental hygienists."



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1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval.
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Report Title:

Dental Hygienists; Dentists; General Supervision

Description:

Permits licensed dental hygienists in the State to operate under general, rather than direct, supervision of a licensed dentist.

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