

STAND. COM. REP. NO.

980

Honolulu, Hawaii

MARCH 3, 2017

RE: H.B. No. 374
H.D. 2

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 374, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO DENTAL ASSISTANTS,"

begs leave to report as follows:

The purpose of this measure, as received by your Committee, is to:

- (1) Clarify the practice requirements for dental assistants; and
- (2) Prohibit anyone from ordering a person without a dental hygienist license to perform services or procedures within the scope of practice of dental hygiene.

Several individuals testified in support of this measure. The Hawaii Dental Hygienists' Association testified in support of the intent of this measure. The Board of Dental Examiners, Hawaii Dental Association, and numerous individuals opposed this measure.

Your Committee finds that some of the work being done by dental assistants under the direct supervision of a dentist requires specialized training which dental hygienists have as licensed professionals. However, the ambiguous nature of what constitutes direct supervision raises consumer safety and other

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concerns, particularly in areas regarding the use of certain products and procedures in the dental industry. Your Committee finds that many other states require either licensure or certification of dental assistants.

To provide clarity and examination of the responsibilities and scope of work of dental assistants, further assessment is needed regarding the regulation of this profession. Your Committee notes that section 26H-6, Hawaii Revised Statutes, requires certain regulatory measures to be referred to the Auditor for analysis if the regulatory measure being considered for enactment would subject unregulated professions and vocations to licensing upon enactment. A sunrise analysis will assist in defining the scope and responsibilities of dental assistants and support health and safety in the State's oral healthcare industry.

Upon careful consideration, your Committee has amended this measure by deleting its contents and replacing it with language requiring the Auditor to conduct a sunrise analysis of establishing licensure and certification requirements for dental assistants. Your Committee has further amended this measure by:

- (1) Changing its effective date to take effect upon its approval; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 374, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 374, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



ANGUS L.K. MCKELVEY, Chair



