

Honolulu, Hawaii

APR 07 2017

RE: H.B. No. 696
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
to which was referred H.B. No. 696 entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose and intent of this measure is to designate the
month of September each year as Suicide Prevention and Awareness
Month.

Prior to holding a hearing on this measure, your Committee
made available for public review a proposed S.D. 1 of this
measure. The proposed S.D. 1 deleted the contents of this measure
and inserted provisions that:

- (1) Change the name of the Board of Dental Examiners to the
Board of Dentistry and Dental Hygiene and, beginning on
July 1, 2018, increase dental hygienist representation
on the board and ensure Oahu and neighbor island
representation among dental hygienist members;
- (2) Expand the required qualifications that applicants may
fulfill as part of the requirements for dental licensure
to include passage of any nationally recognized clinical
dental examination recommended by the American Dental
Association other than the American Board of Dental
Examiners (ADEX) examination and dental licensure in



another state; provided that the applicant meets specific qualifications; and

- (3) Clarify the allowable and prohibited practices requirements for dental assistants; clarify that rules adopted by the Board of Dental Examiners shall not infringe upon, overlap with, or conflict with the duties and scope of practice for other licensed professionals; and prohibit persons from employing, directing, or ordering a dental assistant or other person to perform services or procedures within the scope of practice of dental hygiene.

Your Committee received testimony in support of the proposed S.D. 1 from the Hawaii Dental Hygienists' Association and fifteen individuals. Your Committee received testimony in opposition to the proposed S.D. 1 from the Board of Dental Examiners, Hawaii Dental Association, University of Hawai'i System, and over one hundred sixty individuals.

Your Committee finds that although the original purpose of the Board of Dental Examiners was to act as a pool of dental examiners, the board's present function has moved beyond merely conducting licensing exams. The board is now more regulatory in nature, as it encompasses the regulation of dentistry, under chapter 448, Hawaii Revised Statutes, and dental hygienists, under chapter 447, Hawaii Revised Statutes. Accordingly, since the board governs two professions, it is logical to modernize the name of the board to the Board of Dentistry and Dental Hygiene (Board), which accurately reflects the professions the board oversees.

Your Committee further finds that although there are currently twelve members on the Board, only two members are dental hygienists. This unequal representation may result in the dental hygienists' views not being reflected in the board's actions. Accordingly, the proposed S.D. 1 amends the Board's composition to add dental hygienist members, including dental hygienist members from the neighbor islands, which will ensure that the unique and valuable perspective of dental hygienists and neighbor island residents are more adequately represented.

Your Committee additionally finds that licensed and registered dentists are permitted under existing law to employ



auxiliary personnel, known as dental assistants, to assist a dentist in the dentist's practice. Like dental hygienists, dental assistants are a valuable part of a dental team, and each team member plays a critical role in the execution of outstanding patient care. However, existing law does not require licensure or educational requirements or standardized training for dental assistants. It is therefore not appropriate for dental assistants to be expected or required to perform duties, activities, or functions that, if performed by a dental hygienist, would require licensure. Your Committee notes that the proposed S.D. 1 does not diminish the role of dental assistants, or otherwise affect the functions that dental assistants can already perform. Rather, the proposed S.D. 1 makes certain necessary clarifications to existing law regarding the allowable and prohibited practices requirements for dental assistants.

Furthermore, your Committee notes that it is the Legislature who determines duty and scope of practice for licensed professionals in the State. Therefore, your Committee does not believe it is appropriate for the Board to adopt rules that attempt to circumvent or infringe upon the legislatively-determined parameters regarding duty and scope of practice for other licensed professionals within the Board's purview. Thus, your Committee emphasizes that if the Board desires to change the scope of practice for auxiliary personnel, the Board must approach the Legislature to request such a change.

Finally, your Committee has heard the concerns raised in testimony regarding language in the proposed S.D. 1 that would expand the required qualifications for dental licensure to include passage of any nationally-recognized clinical dental examination recommended by the American Dental Association other than the ADEX examination. However, according to testimony from the Board, the American Dental Association recently announced that it would be developing a national dental examination without the use of live patients. All of the existing regional examinations for dental licensure require a clinical examination with live patients, and your Committee agrees that such a requirement is essential to determine competency for dental licensees. Amendments to the proposed S.D. 1 to remove this language are therefore necessary.

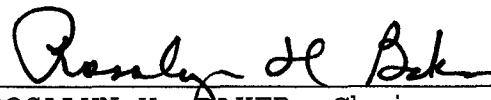
Your Committee has amended this measure by adopting the proposed S.D. 1 and further amending the measure by:



- (1) Deleting language that would have expanded the required qualifications that applicants may fulfill as part of the requirements for dental licensure to include passage of any nationally recognized clinical dental examination recommended by the American Dental Association other than the ADEX examination and dental licensure in another state; provided that the applicant met specific qualifications;
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 696, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 696, S.D. 1, and be placed on the calendar for Third Reading.

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

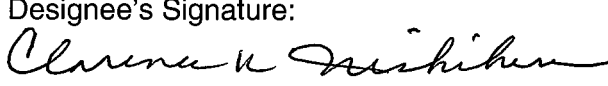


ROSALYN H. BAKER, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:* HB696	Committee Referral: CPH	Date: 4/5/17		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	/			
NISHIHARA, Clarence K. (VC)	/			
CHANG, Stanley				/
ESPERO, Will	/			
IHARA, Jr., Les	/			
KIDANI, Michelle N.	/			
RUDERMAN, Russell E.	/			
TOTAL	6			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes