

Honolulu, Hawaii

MAR 02 2017

RE: S.B. No. 344
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 S.B. No. 344 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Clarify the allowable and prohibited practices requirements for dental assistants; and
- (2) 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 this measure from the Hawaii Dental Hygienists' Association and eighteen individuals. Your Committee received testimony in opposition to this measure from the Board of Dental Examiners, Hawaii Dental Association, and thirty-eight individuals.

Your Committee 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 currently contain 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 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 of Dental Examiners 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.

Your Committee has amended this measure by:

- (1) Clarifying that additional duties of dental assistants and regulatory directives may be delineated by rule; provided that those rules shall not infringe upon, overlap with, or conflict with the duties and scope of practice for any other licensed professional; and
- (2) Updating the purpose section.

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 S.B. No. 344, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 344, 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,

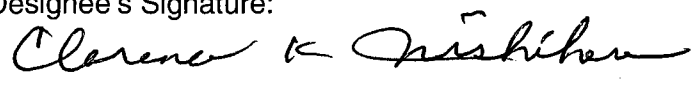
Rosalyn H. Baker

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.:* <div style="text-align:center; font-size:1.2em;">SB344</div>	Committee Referral: <div style="text-align:center; font-size:1.2em;">CPH</div>	Date: <div style="text-align:center; font-size:1.2em;">2/24/17</div>		
<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	5			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-size:1.2em;">  </div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes