

SB380

Measure Title: RELATING TO DENTAL HYGIENISTS.
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.
Companion: [HB563](#)
Package: None
Current Referral: CPH
Introducer(s): BAKER, ENGLISH, IHARA, INOUYE, KEITH-AGARAN, Gabbard, Harimoto, Nishihara, Riviere

**PRESENTATION OF THE
BOARD OF DENTAL EXAMINERS**

TO THE SENATE COMMITTEE ON
COMMERCE, CONSUMER PROTECTION, AND HEALTH

TWENTY-NINTH LEGISLATURE
Regular Session of 2017

Friday, February 24, 2017
9:30 a.m.

TESTIMONY ON SENATE BILL NO. 380, RELATING TO DENTAL HYGIENISTS.

TO THE HONORABLE ROSALYN H. BAKER, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Paul Guevara, D.M.D., M.D.S., Chairperson of the Board of Dental Examiners ("Board"). I appreciate the opportunity to testify on Senate Bill No. 380, Relating to Dental Hygienists, which permits licensed dental hygienists in the State to operate under general, rather than direct, supervision of a licensed dentist

The Board supports the intent of the bill and recommends that the dental hygienist work under general supervision only for patients of record and only for patients with an existing treatment plan.

With regard to the following procedures, the Board recommends that the dental hygienist remain under direct supervision:

- Intra-oral block anesthesia;
- Soft tissue curettage; and
- Any irreversible procedures to be performed.

Thank you for the opportunity to testify on Senate Bill No. 380.



Hawaii
Dental Hygienists' Association

Testimony in Support of **SB 380**, Relating to Dental Hygienists

Ellie Kelley-Miyashiro, RDH, BS

Past President/Regulations and Practice Chairperson – Hawaii Dental Hygienists' Association

February 24, 2017

Dear Respected Members of the Committee on Consumer Protection and Health:

The Hawaii Dental Hygienists' Association (HDHA) applauds your efforts to help solve the problem of inadequate oral health care for Hawaii's people. We, as I'm sure many of you on your committee are aware, have an on-going oral health access to care issue in the state of Hawaii. The problem is multi-factorial, but varying, restrictive levels of supervision for licensed dental hygienists plays a critical part in limiting access to those who need oral health care.

According to the HAR 16-79-2

"Supervision" means prescribing objectives and procedures and assigning work, provided that the person supervising shall be a licensed dentist. The levels of supervision are defined as follows:

(1) "Direct supervision" means that the supervising licensed dentist examines and diagnoses the condition to be treated, authorizes each procedure, remains in the dentist's office or in any facility defined in section 447-3, HRS, while the procedures are being performed, and shall be responsible for all delegated acts and procedures performed by dental assistants and licensed dental hygienists.

(2) "General supervision" means that the supervising licensed dentist has examined and diagnosed the condition to be treated, and has authorized each procedure to be carried out in accordance with the dentist's diagnosis and treatment plan. The presence of the supervising dentist is not required; provided the dentist shall be available for consultation and shall be responsible for all delegated acts and procedures performed by licensed dental hygienists. In the case of programs under the supervision and control by the department of health or in any facility specified in section 447-3, HRS, the foregoing shall not apply except that the supervising licensed dentist shall be available for consultation, shall be responsible for all delegated acts and

procedures performed by licensed dental hygienists and the procedures pursuant to section 447-3, HRS, shall have been prescribed by a licensed dentist or otherwise be authorized by law.

Under HAR 16-79-2 for Hawaii dental hygienists practicing under DIRECT supervision in private practice, a patient must be examined by a licensed dentist prior to treatment, treatment must be assigned to a licensed dental hygienist, a post-op review of the treatment must be completed by the dentist and then, the dentist can assign further treatment as needed. The dentist must also be physically present the entire time, never stepping out of the office. This practice is time consuming for the dentist and restrictive on they hygienist. What are other states across the nation doing?

Forty-five of the 50 states authorize dental hygienists to work under some degree of general supervision, meaning that a dentist has authorized a dental hygienist to perform procedures, but need not be present in the treatment facility during the performance of those procedures. Hawaii currently permits general supervision of dental hygiene services in "non-traditional" public health dental settings, such as clinics, nursing homes, hospitals, and facilities that treat people with developmental disabilities.

Beginning in 1915, dental hygienists licensed in Connecticut were permitted to practice in private dental offices, or any public or private institution under the general supervision of a dentist. One hundred years later, almost every state in the nation permits general supervision levels for dental hygienists, with most states sanctioning various levels of expanded function practice acts, such as the administration of local anesthesia and nitrous oxide analgesia. Many states also allow dental hygienists to provide restorative functions, such as applying cavity liners and bases, and placing, carving, and finishing amalgam and composite restorations.

Alabama, Mississippi, North Carolina, Hawaii, and Georgia are the only states in the nation where legislation to allow general supervision in private practice has not been passed. The rationale most of these states provide for restricting dental hygienists from practicing without the direct supervision of a dentist focuses on concerns about quality and safety, even though no clear evidence exists to support such restrictions. Furthermore, if the basis for restricting scope of practice is a concern about safety and efficacy, these concerns should apply regardless of the income level of the recipient, or the site of care.



Hawaii

Dental Hygienists' Association

This rationale makes one wonder what justification could be provided to explain why dental hygiene services provided in public health settings for impoverished, elderly, or disabled residents of Hawaii is considered "safe," but the same dental hygiene services provided without the direct supervision of a dentist in private practice is considered a "public safety" issue, especially considering that 45 of 50 states successfully and safely allow this level of supervision for dental hygienists without safety concerns.

The 2014 National Governors' Association report suggests that states should consider doing more to allow dental hygienists to fulfill dental needs for the underserved by freeing them to practice "to the full extent of their education and training." Throughout the nation, policymakers, consumer advocates, and oral health coalitions have started innovative programs to extend the reach of oral health-care delivery to the underserved by altering supervision and/or reimbursement rules for dental hygienists, and exploring new professional certifications for advanced-practice dental hygienists.

Considering all of the accomplishments and advances made in dentistry during the last century, it's difficult to understand why there are still a handful of states that honor antiquated practice acts of direct supervision. HDHA feels these types restrictive policies are harmful to the public's oral health not dental hygienists practicing under general supervision.

As the largest association representing Hawaii's licensed dental hygienists', HDHA strongly **supports** the intent of **SB 380** to address the prevention of dental disease among Hawaii's people. Dental hygienists possess the education and training to fulfill the goals described in this bill and we look forward to working toward our common goal of increased oral health care and decreased dental disease in our great State.

Thank you for your time and consideration.

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 17, 2017 3:04 PM
To: CPH Testimony
Cc: dshaw@lanaicommunityhealthcenter.org
Subject: *Submitted testimony for SB380 on Feb 24, 2017 09:30AM*

SB380

Submitted on: 2/17/2017

Testimony for CPH on Feb 24, 2017 09:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Diana Shaw	Lanai Community Health Center	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 22, 2017 1:32 PM
To: CPH Testimony
Cc: jbays4@yahoo.com
Subject: *Submitted testimony for SB380 on Feb 24, 2017 09:30AM*

SB380

Submitted on: 2/22/2017

Testimony for CPH on Feb 24, 2017 09:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Janelle Bays	Kona Coast Dental Care	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 20, 2017 10:22 PM
To: CPH Testimony
Cc: tealent@aol.com
Subject: *Submitted testimony for SB380 on Feb 24, 2017 09:30AM*

SB380

Submitted on: 2/20/2017

Testimony for CPH on Feb 24, 2017 09:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Teri A Matsumura	Individual	Support	No

Comments:

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Re: SB 380 RELATING TO DENTAL HYGIENISTS

Committee on Commerce, Consumer Protection, and Health

Senator Rosalyn H. Baker, Chair

Senator Clarence Nishihara, Vice Chair

Hearing Date: February 24, 2017

Time: 9:30 am

Place: Senate Conference Room 229

Dear Honorable Senator Baker, Chair, Senator Nishihara, Vice Chair, and Committee Members:

This testimony is in **strong support** of **SB 380**.

My name is Diane Brucato, RDH, EF, BS, FAADH. I have been a practicing Dental Hygienist in good standing on the island of Hawaii since 1992. I live in Hilo and have had the privilege to practice in both Kona and Hilo. In addition, I have taken an active role in leadership; volunteered in my community, island, and state.

SB 380 is important for access to care. It has been my observation, that when a Dentist has the misfortune of becoming seriously ill or injured, or simply has the flu, everything comes to a stop at the dental office. Because the Dental Hygienists are bound to work under direct supervision of the Dentists, they cannot even see the patients of record for re-care appointments. Many of these patients are consequently at risk because of systemic complications. If they try to go to another office, they find many other offices are booked well in advance and they cannot be seen for months. Their conditions break down.

In addition, the Dental Hygienists and teams (except perhaps the receptionist) are out of work until the doctor returns, creating financial hardship for them, as well as the dentist. If the Dental Hygienists could work under general supervision, the Hygienists and office staff could continue working, patients of record could access continued care, and the Dentists could still have some income during personal crisis.

Dental Hygienists have been practicing under general supervision in public health settings without incident for many years in Hawaii. They are well educated, licensed professionals, trained in Basic Life Support, who know their limitations and can call their doctor anytime for consultation when necessary. Thank you for your serious consideration to pass this bill.

Respectfully yours,

Diane Brucato, RDH, EF, BS, FAADH

d.bt@live.com (808) 937-7282

Member, Regulated Industries Complaints Office's (RICO) Dental Advisory Committee

Member, American Association of Dental Boards

Immediate Past President, American Academy of Dental Hygiene

Past President, Hawaii Dental Hygienists' Association

ADHA/Hu-Friedy Master Clinician Award 2008; Sunstar/RDH Award of Distinction 2002

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 19, 2017 12:11 PM
To: CPH Testimony
Cc: dgsinhawaii@yahoo.com
Subject: Submitted testimony for SB380 on Feb 24, 2017 09:30AM

SB380

Submitted on: 2/19/2017

Testimony for CPH on Feb 24, 2017 09:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Diana G. Smith	Individual	Support	No

Comments: I am supporting SB380. I've been practicing dental hygiene for 36 years, 26 of those years in Hawaii. I volunteer services for adults with developmental and intellectual disabilities. Under direct supervision I am limited to providing education and screening services only. General supervision would expand hygiene services including prophylactic services to schools, public health facilities, nursing homes and those who are home bound. In addition allowing hygienists to continue working in their dental offices when their doctors step out to lunch. There are only 8 state who have direct supervision laws. Let take this opportunity to join the majority of states in the US and make access to oral health care a reality in Hawaii.

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 18, 2017 9:04 PM
To: CPH Testimony
Cc: janetancheta9@gmail.com
Subject: *Submitted testimony for SB380 on Feb 24, 2017 09:30AM*

SB380

Submitted on: 2/18/2017

Testimony for CPH on Feb 24, 2017 09:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
janet ancheta	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 18, 2017 5:56 PM
To: CPH Testimony
Cc: jananakamura58@gmail.com
Subject: *Submitted testimony for SB380 on Feb 24, 2017 09:30AM*

SB380

Submitted on: 2/18/2017

Testimony for CPH on Feb 24, 2017 09:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
JANA NAKAMURA	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 18, 2017 5:02 PM
To: CPH Testimony
Cc: babycody@gmail.com
Subject: *Submitted testimony for SB380 on Feb 24, 2017 09:30AM*

SB380

Submitted on: 2/18/2017

Testimony for CPH on Feb 24, 2017 09:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Joycelyn Swan	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 18, 2017 3:47 PM
To: CPH Testimony
Cc: gerrainet@excite.com
Subject: Submitted testimony for SB380 on Feb 24, 2017 09:30AM

SB380

Submitted on: 2/18/2017

Testimony for CPH on Feb 24, 2017 09:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Gerraine Hignite	Individual	Support	No

Comments: ACCESS TO CARE is a common goal of health care providers. With general supervision, residents of rural areas on the neighbor islands will be able to have their oral care addressed by registered dental Hygienists (pre-screened by dentist) on a regular basis. I am in SUPPORT of SB380...

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 22, 2017 6:51 AM
To: CPH Testimony
Cc: ammonwhigham@gmail.com
Subject: Submitted testimony for SB380 on Feb 24, 2017 09:30AM

SB380

Submitted on: 2/22/2017

Testimony for CPH on Feb 24, 2017 09:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Ammon Boyd Koaiakapono Whigham	Individual	Support	No

Comments: For better access in providing oral health to the underserved and underinsured populations of Hawaii, I support this bill in allowing dental hygienists to branch out to the general public without the current required supervision of the dentist. Dental Hygienists are trained to perform their duties through accredited school systems and are capable of performing such duties independently of the dentist at any given moment.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 22, 2017 5:13 AM
To: CPH Testimony
Cc: sdsrdh@hotmail.com
Subject: *Submitted testimony for SB380 on Feb 24, 2017 09:30AM*

SB380

Submitted on: 2/22/2017

Testimony for CPH on Feb 24, 2017 09:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Smith	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 21, 2017 8:56 PM
To: CPH Testimony
Cc: mctui@hotmail.com
Subject: *Submitted testimony for SB380 on Feb 24, 2017 09:30AM*

SB380

Submitted on: 2/21/2017

Testimony for CPH on Feb 24, 2017 09:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
michele Tui	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 22, 2017 2:33 PM
To: CPH Testimony
Cc: kschneider@hawaii.rr.com
Subject: *Submitted testimony for SB380 on Feb 24, 2017 09:30AM*

SB380

Submitted on: 2/22/2017

Testimony for CPH on Feb 24, 2017 09:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
kimberly schneider	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 22, 2017 4:55 PM
To: CPH Testimony
Cc: clarke@aloha.net
Subject: Submitted testimony for SB380 on Feb 24, 2017 09:30AM

SB380

Submitted on: 2/22/2017

Testimony for CPH on Feb 24, 2017 09:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Clarke DDS	Individual	Support	No

Comments: I believe that dental hygienists are highly trained and quite capable of cleaning teeth and providing oral hygiene education under general supervision. They are also trained to recognize medical emergencies. I also believe while capable of diagnosing periodontal conditions that diagnosis should be the responsibility of a dentist

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 23, 2017 7:27 AM
To: CPH Testimony
Cc: love.kiki.koko@gmail.com
Subject: *Submitted testimony for SB380 on Feb 24, 2017 09:30AM*

SB380

Submitted on: 2/23/2017

Testimony for CPH on Feb 24, 2017 09:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Naomi hashimoto	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 23, 2017 6:09 AM
To: CPH Testimony
Cc: jrpirie@gmail.com
Subject: *Submitted testimony for SB380 on Feb 24, 2017 09:30AM*

SB380

Submitted on: 2/23/2017

Testimony for CPH on Feb 24, 2017 09:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer R Pirie	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 23, 2017 9:29 AM
To: CPH Testimony
Cc: mallerysayre@hawaii.rr.com
Subject: Submitted testimony for SB380 on Feb 24, 2017 09:30AM

SB380

Submitted on: 2/23/2017

Testimony for CPH on Feb 24, 2017 09:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Laura Mallery-Sayre	Individual	Support	No

Comments: I support SB380 and urge the Committee to pass this much needed measure which will allow more access to care for the people of Hawaii.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 22, 2017 10:31 PM
To: CPH Testimony
Cc: diannasumnall@yahoo.com
Subject: *Submitted testimony for SB380 on Feb 24, 2017 09:30AM*

SB380

Submitted on: 2/22/2017

Testimony for CPH on Feb 24, 2017 09:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Dianna Sumnall	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 22, 2017 8:20 PM
To: CPH Testimony
Cc: fsayre@hawaii.rr.com
Subject: Submitted testimony for SB380 on Feb 24, 2017 09:30AM

SB380

Submitted on: 2/22/2017

Testimony for CPH on Feb 24, 2017 09:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Dr. Frank H. Sayre, D.D.S.	Individual	Support	No

Comments: For safety and quality of care reasons these procedures should be performed by a licensed dental hygienist.

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Hawaii Dental Association

To: The Senate Committee on Commerce, Consumer Protection & Health
Time/Date: 9:30 a.m., February 24, 2017
Location: Capitol Conference Room 329
Re: **SB 380, RELATING TO DENTAL HYGIENISTS**

Aloha Chair Baker, Vice Chair Nishihara and members of the committee! My name is Dr. Chris Lee and I serve as the president of the Hawaii Dental Association, a professional association comprised of nearly 1,000 member dentists. The Hawaii Dental Association (HDA) is a statewide professional membership organization representing dentists practicing in Hawaii and licensed by the State of Hawaii Board of Dental Examiners. HDA members are committed to protecting the oral health and well-being of all of the people of Hawaii, from keiki to kupuna and everyone in between.

We are writing to **comment on SB 380, relating to dental hygienists.** We recognize the legislature's intent to ensure the health and safety of Hawaii residents. Likewise, the Hawaii Dental Association is committed to improve oral health in Hawaii. We respectfully request that certain protections be included in this bill, such as, **at a minimum**, that general supervision shall be permitted only for a patient of record who has had an exam and has an existing treatment plan and that neither block anesthesia nor any irreversible procedure shall be performed. Without these clarifications, we will be unable to support this measure.

We look forward to continuing to work collaboratively with you on key policy initiatives to accomplish those goals. In addition, and consistent with our longstanding public positions, we believe that water fluoridation would make significant contributions to improving oral health in our state. Mahalo for this opportunity to testify.

Respectfully,
Dr. Chris Lee, D.D.S
President, Hawaii Dental Association