

STAND. COM. REP. NO. **604**

Honolulu, Hawaii

MAR 02 2017

RE: S.B. No. 371
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. 371 entitled:

"A BILL FOR AN ACT RELATING TO THE BOARD OF DENTISTRY AND
DENTAL HYGIENE,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Change the name of the Board of Dental Examiners to the Board of Dentistry and Dental Hygiene;
- (2) Beginning on July 1, 2018, change the board composition by increasing dental hygienist representation and ensuring Oahu and neighbor island representation among dental hygienist members;
- (3) Allow neighbor island board members to attend meetings via teleconference; and
- (4) Require the board to develop conflict of interest policies for board member participation with dental examination companies and submit a report on the status of the policy to the Legislature prior to the 2018 Regular Session.



Your Committee received testimony in support of this measure from the Hawaii Dental Hygienists' Association, Kona Coast Dental Care, and eighteen individuals. Your Committee received testimony in opposition to this measure from the Hawaii Dental Association, Princeville Dental LLC, and forty-six individuals. Your Committee received comments on this measure from the Board of Dental Examiners and Office of Information Practices.

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 amend the name of the board to the Board of Dentistry and Dental Hygiene, which accurately reflects the professions the board oversees.

Your Committee further finds that there are currently twelve members on the board. Eight of these members are practicing dentists, while 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, this measure amends the board's composition to add additional dental hygienist members, including dental hygienist members from the neighbor islands, which will ensure that the unique and valuable perspective of dental hygienists and those hygienists located throughout the State are more adequately represented.

Your Committee notes that this measure also requires one member of the board who is a practicing dentist to have a background in public health dentistry. However, your Committee has heard testimony that this requirement may make it more difficult to fill this position on the board. Your Committee understands these concerns and concludes amendments to this measure are necessary.

Your Committee has amended this measure by:

- (1) Clarifying that a background in public health dentistry is simply a desirable qualification, rather than a



mandatory requirement, for at least one member of the Board who is a practicing dentist;

- (2) Deleting language that would have allowed neighbor island board members to attend meetings via teleconference, as board members are already able to attend board meetings via teleconference or other forms of interactive technology pursuant to the State's Sunshine Law;
- (3) Deleting language that would have required the board to develop conflict of interest policies and submit a report to the Legislature, as the board indicated it has existing procedures in place to avoid possible conflicts of interest; and
- (4) Making technical, nonsubstantive amendments for the 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 S.B. No. 371, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 371, 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



