

**PRESENTATION OF THE  
BOARD OF DENTAL EXAMINERS**

TO THE HOUSE COMMITTEE ON  
CONSUMER PROTECTION AND COMMERCE

TWENTY-NINTH LEGISLATURE  
Regular Session of 2018

Tuesday, February 13, 2018  
2:00 p.m.

**TESTIMONY ON HOUSE BILL NO. 2207, H.D.1, RELATING TO DENTAL  
ASSISTANTS.**

TO THE HONORABLE ROY M. TAKUMI, CHAIR, AND MEMBERS OF THE  
COMMITTEE:

My name is Paul Guevara, D.M.D, M.D.S., and I am the Chairperson of the Board of Dental Examiners (“Board”). Thank you for the opportunity to testify in support of H.B. 2207, H.D. 1.

H.B. 2207, H.D. 1 requires the Board to adopt rules to establish a regulatory structure for the regulation of dental assistants in Hawaii.

The Board fully supports this H.D. 1 version of the measure, as it establishes a tiered approach and regulatory structure for dental assistants and allows the Board time to thoroughly analyze the Office of the Auditors’ Sunrise Analysis: Regulation of Dental Assistants, Report No. 18-02, to develop and amend its administrative rules before moving towards regulation.

Thank you for the opportunity to testify in support of H.B. 2207, H.D. 1.



# Dental Assisting National Board, Inc.

Measuring Dental Assisting Excellence®

## Testimony on House Bill 2207, Relating to Dental Assistants

February 10, 2018

The Honorable Roy M. Takumi, Chair  
The Honorable Linda Ichiyama, Vice Chair  
House Committee on Consumer Protection and Commerce  
29<sup>th</sup> Legislature, 2018  
Hawaii State Capitol

Dear Chair Takumi, Vice Chair Ichiyama, and Distinguished Members of the Committee:

I am submitting written testimony on behalf of the Dental Assisting National Board, Inc. (DANB) in connection with HB 2207, which seeks to establish a tiered structure for regulation of dental assistants in Hawai'i. DANB is the national certification board for dental assistants and administers the dental assisting certification program referenced in HB 2207. DANB would like to request a few minor amendments that will help clarify two potential areas of confusion for dental assistants, their employers and the public.

I would first like to present the proposed amended text and then provide an explanation of our reasons for requesting these amendments.

**Proposed amendments** (additions underlined; deletions in ~~strike through~~):

- (1) Basic-level dental assistants;
- (2) ~~Certified~~ Qualified dental assistants, who shall have:
  - (A) Graduated from high school or earned a general equivalency diploma; and
  - (B) Successfully passed the Certified Dental Assistant certification examination administered by the Dental Assisting National Board, Inc.; and
- (3) Advanced-qualified dental assistants, who shall have:
  - (A) Graduated from high school or earned a general equivalency diploma;
  - (B) Successfully passed the Certified Dental Assistant certification examination administered by the Dental Assisting National Board, Inc.; and
  - (C) Received expanded function training in duties as specified in rules adopted by the board.

### Explanation

DANB administers the nationally recognized Certified Dental Assistant™ (CDA®) certification program and four other certification programs for dental assistants. The first potential point of confusion stems from the following language, found in two places in HB 2207: "Successfully passed the certification examination administered by the Dental Assisting National Board, Inc."

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Because DANB administers five different certification programs, we believe it would be helpful to specify that the individual must have earned the Certified Dental Assistant certification. Therefore, we are proposing to add the underlined text in both paragraphs where this provision appears [(2)(B) and (3)(B)]: “Successfully passed the Certified Dental Assistant certification examination administered by the Dental Assisting National Board, Inc.”

The second area of potential confusion stems from the fact that the bill uses the term “Certified dental assistant” as a title for the second tier of dental assistants in a way that is somewhat different from how the same term is used by DANB. As background, allow me to explain that, to earn the CDA certification, a dental assistant must meet eligibility requirements and pass three component examinations. Upon receiving a passing result on the examinations, the candidate earns the CDA certification, which is valid for one year and must thereafter be renewed annually by meeting DANB’s renewal requirements. Individuals who do not renew their certification are no longer certified and are not authorized to hold themselves out to the public as a “Certified Dental Assistant” or “CDA.” DANB has trademark rights in the mark “Certified Dental Assistant” and holds a federal trademark registration for the certification mark “CDA,” and no individual may legally use these marks without DANB’s permission.

Because HB 2207 proposes to require only that second- and third-tier dental assistants pass the DANB CDA exam but not that these dental assistants maintain DANB certification beyond the first year, it could be problematic to call the second tier of Hawai’i dental assistant “Certified dental assistant,” because some of these individuals will not maintain certification and will not legally be allowed to use this mark. As a trademark owner, DANB is obligated under U.S. trademark law to enforce against unauthorized use of its marks. We do not want to see dental assistants in the second tier in Hawai’i find themselves the subjects of DANB’s trademark enforcement activities because they incorrectly believed that they are allowed to call themselves “Certified Dental Assistants” or to abbreviate this to “CDA.” Moreover, we believe it could be misleading to employers, dental team members, and the public if dental assistants who do not currently hold DANB’s CDA certification are holding themselves out as “Certified Dental Assistants,” because this mark is very closely associated with DANB among dental professionals, due to DANB’s longstanding use of this mark since 1948.

Fortunately, however, this potential for confusion can be easily fixed by changing the title used for the second-tier dental assistant to another term. DANB recommends the term “Qualified dental assistant,” which is not a trademarked term and creates a logical progression to the third tier, which is called “Advanced-qualified dental assistant.”

DANB is supportive of all efforts to ensure that those who provide dental assisting services to the public are competent and qualified to do so, and DANB is very pleased to be able to provide the State of Hawai’i with a means to assess the competence of dental assistants working in Hawai’i. In recognizing DANB’s CDA certification, Hawai’i will join 39 other states, along with the District of Columbia, the U.S. Air Force, and the Department of Veterans Affairs, in recognizing or requiring DANB exams for performance of dental assisting duties. DANB’s CDA certification program is nationally accredited by the National Commission for Certifying Agencies and internationally accredited to the ISO 17024 standard.

Please do not hesitate to contact me if there are any questions about the foregoing. I can be reached at [klandsberg@danb.org](mailto:klandsberg@danb.org) or 312-280-3431.

Thank you for the opportunity to provide testimony, and for your consideration.

Sincerely,



Katherine Landsberg  
Director, Government Relations



## Hawaii Dental Association

To: The House Committee on Consumer Protection  
Time/Date: 2:00 p.m., February 13, 2018  
Location: Capitol Conference Room 329  
Re: HB 2207, HD 1, Relating to Dental Assistants

Aloha Chair Takumi, Vice Chair Ichiyama and members of the committee! My name is Kim Nguyen and I serve as the executive director of the Hawaii Dental Association, a professional association comprised of approximately 950-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.

The purpose of HB 2207, HD1, is to establish a tiered regulatory framework for dental assistants. Last year, the legislature enacted Act 84 which requested that the state auditor study the issue of regulating dental assistants. The auditor recommended that the State consider a tiered regulatory framework, requiring dental assistants who perform tasks related to patient safety to be credentialed by the State. We believe that a body, such as the Board of Dental Examiners, or a task force comprised of knowledgeable stakeholders, should be tasked with developing such a framework.

We appreciate the legislature's support of the dentistry profession and we look forward to continuing to work collaboratively with you to assist in the development of sound oral health policies.

**HB-2207-HD-1**

Submitted on: 2/12/2018 8:59:28 PM

Testimony for CPC on 2/13/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Diane Brucato	Individual	Support	No

Comments:

This testimony is in support of HB2207 HD1. After reading the Sunrise review regarding regulation of dental assistants in Hawaii, this bill would ensure the safety of the public while providing greater opportunity for dental assistants in Hawaii. While I am in strong support of this, I wonder if this bill is slightly premature, as a tiered designation of dental assistants is not yet clearly defined in statute, in order for the Hawaii Board of Dental Examiners to promulgate rules to implement the regulation of dental assistants

In a letter from the American Dental Assisting Association (AADA) referenced in the 1/2/2001 Minutes of the Hawaii Board of Dental Examiners, the AADA wrote:

**"With increased technology and minimally trained and knowledgeable assistants, the ADAA is requesting the Board to mandate certification, education, and credentialing of all dental assistants." (HBDE Minutes1/2/2001)**

Our Legislative leaders are commended for moving the profession forward in this manner to provide a higher standard of care and ensure public safety.

Thank you for this opportunity to provide testimony.

Respectfully,

Diane M. Brucato, RDH, EF, BS, FAADH