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**PRESENTATION OF THE  
PROFESSIONAL AND VOCATIONAL LICENSING DIVISION**

TO THE HOUSE COMMITTEE ON  
INTRASTATE COMMERCE

TWENTY-NINTH LEGISLATURE  
Regular Session of 2018

Wednesday, March 14, 2018  
9:00 a.m.

**TESTIMONY ON SENATE BILL NO. 2638, S.D. 1, RELATING TO PROFESSIONAL  
AND VOCATIONAL LICENSING.**

TO THE HONORABLE TAKASHI OHNO, CHAIR, AND MEMBERS OF THE  
COMMITTEE:

The Department of Commerce and Consumer Affairs (“Department” or “DCCA”) appreciates the opportunity to testify on S.B. 2638, S.D. 1, Relating to Professional and Vocational Licensing. My name is Celia Suzuki, and I am the Licensing Administrator of the Department’s Professional and Vocational Licensing Division (“PVL”). PVL opposes this measure.

S.B. 2638, S.D. 1 prohibits a licensing authority from using rules to supersede requirements set forth in licensing laws and adopting rules that authorize an unlicensed individual to perform duties, activities, or functions that, if performed by another professional, would require licensure of that professional.

The Department defers to the Board of Dental Examiners and its comments opposing this measure, since section 1 of the bill specifically identifies dental assistants as auxiliary personnel. Dental assistants assist dentists in the dentists’ practice, under the dentists’ supervision.

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The Department has grave concerns with this measure, as it would add a new section to Hawaii Revised Statutes chapter 436B, implicating supposed “auxiliary personnel” for many of PVL’s licensing areas. The Department does not understand the purpose of this legislation as we realize that statutory authority will always supersede hawaii administrative rules. If this measure becomes law, it will prohibit PVL’s rules to be updated to allow for conformance with forever changing technology and advancement changes in the practice of various professions and vocations.

Thank you for the opportunity to testify in opposition to S.B. 2638, S.D. 1.

**PRESENTATION OF THE  
BOARD OF DENTAL EXAMINERS**

TO THE HOUSE COMMITTEE ON  
INTRASTATE COMMERCE

TWENTY-NINTH LEGISLATURE  
Regular Session of 2018

Wednesday, March 14, 2018  
9:00 a.m.

**TESTIMONY ON SENATE BILL NO. 2638, S.D. 1, RELATING TO THE  
PROFESSIONAL AND VOCATIONAL LICENSING.**

TO THE HONORABLE TAKASHI OHNO, 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 on S.B. 2638, S.D.1, Relating to Professional and Vocational Licensing. The Board strongly opposes this measure.

This bill prohibits a licensing authority from adopting rules that authorize an unlicensed individual to perform duties that may overlap or conflict with the duties and scope of licensed professions or vocations.

Should this measure pass, it would prohibit dental assistants from applying fluoride, which the Board considers a simple procedure within the scope of practice of dental hygiene, as provided in Hawaii Revised Statutes (“HRS”) chapter 447. The Board believes that dental assistants can safely apply fluoride. As being proposed in the Board’s administrative rules, dental assistants would be able to apply fluoride in a manner appropriate by the American Dental Association, in a unit dose approved by the supervising licensed dentist or in an amount pre-measured by the supervising licensed dentist. Also, the Board requires the supervising-licensed dentists to appropriately train or provide training to dental assistants before performing any activity.

The Board does not intend to eliminate or erode the practices of dental hygiene, as dental hygienists provide extremely valuable services and skills and are a valuable part of the dental team. However, with changes to the practice of dentistry and rapid improvements to technology and equipment, the Board would like to continue having

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the ability to implement changes through its administrative rules by using its expertise and protecting the health, safety, and welfare of the public. Therefore, the Board respectfully recommends deferral of this measure.

Thank you for the opportunity to testify on S.B. 2638, S.D. 1.



March 12, 2018

House Committee on Intrastate Commerce  
**Testimony in Support of SB 2638, SD1**  
**Relating to Professional and Vocational Licensing**

Ellie Kelley-Miyashiro, RDH  
Regulation and Practice Chairperson HDHA 2018

Dear Respected Members of the House Committee on  
Intrastate Commerce:

The Hawaii Dental Hygienists' Association (HDHA) supports the intent of **SB 2638, SD1**. We would like to congratulate you on your leadership in initiating this important discussion during this legislative session to aid in increasing public safety.

HDHA feels that this measure has the potential to create law that would protect the public's safety across professionally licensed vocations. It would place in statute that clearly delineated duties of a licensed profession should not be within the scope of practice of another unlicensed, unregulated profession. Again, we feel this is for the public's safety.

As we are in the dental field, using the example of a dental office, dental assistants are undoubtedly an important part of the dental team. Each team member

plays a critical role in the execution of outstanding patient care. In the day to day work of a dental office, several duties performed by dentists and dental hygienists are also performed by dental assistants. Sadly, in many offices across the state, the delineated duties are blurred and unlicensed dental assistants are working within the defined scope of practice of dental hygienists. For the safety of Hawaii's people, we feel this measure would help the Board of Dental Examiners, licensees, and those employing auxiliary, unlicensed team members understand that the DEFINED duties of a licensed dental hygienist (HRS 447.3b) cannot be performed by unlicensed dental assistants or auxiliary personnel.

HDHA thanks you for your time and consideration of **SB 2638, SD1**. We would like to convey our desire that dentists, assistants and hygienists continue to be integral members of the oral health team, and feel that the public is best served and protected when all oral health providers and highly trained and work within their practice acts.

Thank you for your time and consideration.

# Petition to Submit Testimony in Support of SB2638, SD1

<p>Petition summary and background:</p>	<p>As Registered Dental Hygienists in the state of Hawaii, we feel it is of utmost importance that unlicensed, unregulated individuals, such as dental auxiliary personnel, do not infringe upon a particular licensed profession's scope of practice.</p> <p>Dental auxiliary personnel are considered a valuable part of a team. However, a majority are not licensed or certified in the state of Hawaii or required to meet the same stringent standards of training and care as licensed individuals in certain professions or vocations.</p> <p>It is inappropriate for unlicensed, unregulated dental auxiliary personnel to be expected or required to perform duties that are currently being performed by other licensed professionals.</p>
<p>Action petitioned for:</p>	<p>We, the undersigned, are concerned citizens who urge our leaders to act now to SUPPORT SB2638, SD1. In the best interest of the public's safety, this bill will prohibit a licensing authority from adopting rules that authorize an unlicensed, unregulated individual to perform duties that may overlap or conflict with the duties and scope of any licensed profession or vocation.</p>

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**SB-2638-SD-1**

Submitted on: 3/12/2018 10:25:06 AM

Testimony for IAC on 3/14/2018 9:00:00 AM

<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 strong support of SB2638 SD1. Promulgating rules that allow unlicensed individuals to perform duties that overlap with or are included in the definition of a licensed profession requiring standardized education and testing put the safety of the public at risk. SB2638 SD1 protects the public and especially children. Thank you for your consideration in support of this bill.

Respectfully,

Diane Brucato, RDH, EF, BS, FAADH

**LATE**

**SB-2638-SD-1**

Submitted on: 3/13/2018 9:00:18 AM

Testimony for IAC on 3/14/2018 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	OCC Legislative Priorities Committee, Democratic Party of Hawai'i	Support	No

Comments:

**LATE**

**LATE**



Hawaii Dental Association

To: The House Committee on Intrastate Commerce  
Time/Date: 9:00 a.m., March 14, 2018  
Location: Capitol Conference Room 429  
Re: SB 2638, SD 1, RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING.

Aloha Chair Ohno, Vice Chair Choy 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. HDA strongly opposes SB 2638, SD1.

SB 2638, SD1, seeks to prohibit a licensing authority from using rules to supersede requirements set forth in licensing laws and adopting rules that authorize an unlicensed individual to perform duties, activities, or functions that, if performed by another professional, would require licensure of that professional. An exhaustive review of all administrative rules would be necessary to avoid, for example, inadvertently prohibiting unlicensed professionals from providing preventive health education simply because "preventive health education" is included in the list of allowable duties of a dental hygienist.

We respectfully request that you defer this bill.

**LATE**

**LATE**

**PRESENTATION OF THE  
BOARD OF ELECTRICIANS AND PLUMBERS**

TO THE HOUSE COMMITTEE ON  
INTRASTATE COMMERCE

TWENTY-NINTH LEGISLATURE  
Regular Session of 2018

Wednesday, March 14, 2018  
9:00 a.m.

**TESTIMONY ON SENATE BILL NO. 2638, S.D. 1, RELATING TO PROFESSIONAL  
AND VOCATIONAL LICENSING.**

TO THE HONORABLE TAKASHI OHNO, CHAIR, AND MEMBERS OF THE  
COMMITTEE:

My name is Charlene L.K. Tamanaha, and I am the Executive Officer of the Board of Electricians and Plumbers ("Board"). I appreciate the opportunity to testify in opposition to S.B. 2638, S.D.1, which proposes to prohibit a licensing authority from: 1) using rules to supersede requirements set forth in licensing laws; and 2) adopting rules that authorize an unlicensed individual to perform duties, activities, or functions, that, if performed by another professional, would require licensure of that professional.

While the Board has not met on this measure, it has discussed measures in the past that would prevent mom-and-pop shops from providing on-the-job training to individuals seeking licensure and strongly opposed these measures. The exemption in subsection (d) on page 3, lines 18-20 applies only to apprentices or trainees of an apprenticeship training program. Mom-and-pop shops or small businesses, not signatory to a union or large association, would be hard-pressed to apply for approval by the State Apprenticeship Council. The Department of Labor, Apprenticeship Division, has concurred that it would be difficult for small businesses to meet the program and record-keeping requirements to be an approved apprenticeship program.

In addition, the Board feels that a licensed electrician or plumber is responsible for any electrical or plumbing work performed under his supervision by the unlicensed individual and that the Board should have the authority to define further in its rules the scope of unlicensed individuals.



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S.B. 2638, S.D. 1 will have an unintended consequence of impacting many licensing areas that require hands-on, on-the-job experience to meet licensing requirements. For these reasons, the Board opposes this measure.

Thank you for the opportunity to testify in opposition to S.B. 2638, S.D. 1.