

Honolulu, Hawaii

APR 04 2019

RE: H.B. No. 221
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
to which was referred H.B. No. 221, H.D. 2, 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) Require the Board of Dentistry to adopt rules for the regulation of dental assistants using certification options based on education level and permitted duties; and
- (2) Require the Board of Dentistry to submit a report to the Legislature prior to the convening of the Regular Session of 2020.

Your Committee received testimony in support of this measure from the Board of Dentistry, Hawaii Dental Hygienists' Association, Hawaii Dental Association, and a petition signed by one hundred fifty-two individuals.

Your Committee finds that, currently, dental assistants in Hawaii do not need any specific education or other qualifications and are unregulated by the State. Under existing law and administrative rules, dental assistants are identified as



unlicensed auxiliary personnel who perform supportive dental procedures under the direct supervision, direction, evaluation, and responsibility of a licensed dentist. According to testimony received by your Committee, training for dental assistants is typically done on the job by the supervising dentist or another assistant, and varies from office to office and from dentist to dentist. This on-the-job method of training creates little to no standardization for patient dental care. It also creates an environment where dental assistants may pose a risk to public safety if they practice beyond their allowable duties.

Your Committee further finds that a 2018 sunrise analysis performed by the State Auditor determined that several tasks routinely performed by dental assistants in Hawaii pose a reasonable risk of injury to patients and therefore should be regulated under the criteria established by the Legislature. This measure requires the Board of Dentistry to adopt rules for the regulation of dental assistants using certification options based on education levels and permitted duties.

Your Committee notes the concerns raised in the testimony of the Hawaii Dental Hygienists' Association that creating a tiered approach to the regulation of dental assistants based on their functions and associated levels of risk will still allow for an "on-the-job" approach to training that lacks any standardization. If no regulations are set to require standardized training for all dental assistants, no real change will be realized. Your Committee finds that regulation that maintains the status quo is not in the best interests of the public. Therefore, amendments to this measure are necessary to implement a minimum standard of regulation for dental assistants in the State.

Accordingly, your Committee has amended this measure by:

- (1) Removing language that would have required the Board of Dentistry to adopt rules to establish a regulatory structure for the regulation of dental assistants;
- (2) Removing language that would have required the Board of Dentistry to submit a report to the Legislature detailing the progress of the rules adopted;
- (3) Inserting a purpose section;



- (4) Requiring an individual hired as a dental assistant on or after January 1, 2020, to hold a cardiopulmonary resuscitation certification and complete a two-semester program accredited by the American Dental Association Commission on Dental Accreditation;
- (5) Requiring all dental assistants employed as of July 1, 2019, to obtain a cardiopulmonary resuscitation certification by January 1, 2020;
- (6) Requiring an individual employed as a dental assistant for less than five years as of July 1, 2019, to provide proof of enrollment in a two-semester program accredited by the American Dental Association Commission on Dental Accreditation;
- (7) Exempting an individual employed as a dental assistant for at least five years as of July 1, 2019, from the education requirements for dental assistants; provided that the individual has no history of complaints filed with the Board of Dentistry;
- (8) Clarifying the allowable and prohibited practices of dental assistants; and
- (9) 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 H.B. No. 221, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 221, H.D. 2, 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
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:* <i>HB 221, HD2</i>	Committee Referral: <i>CPH</i>	Date: <i>3/21/19</i>		
<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)	✓			
CHANG, Stanley (VC)	✓			
KEOHOKALOLE, Jarrett				✓
NISHIHARA, Clarence K.	✓			
RUDERMAN, Russell E.	✓			
THIELEN, Laura H.	✓			
FEVELLA, Kurt	✓			
TOTAL	<i>6</i>			<i>1</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes