

Testimony of the Board of Dentistry

**Before the
House Committee on Health
and
House Committee on Intrastate Commerce
Tuesday, February 12, 2019
8:30 a.m.
State Capitol, Conference Room 329**

**On the following measure:
H.B. 221, Proposed H.D. 1, RELATING TO DENTAL ASSISTANTS**

Chair Mizuno, Chair Ohno, and Members of the Committees:

My name is Paul Guevara, D.M.D., M.D.S., and I am the Chairperson of the Board of Dentistry (Board). The Board offers comments on this bill, as it has not had an opportunity to review and discuss this version of the bill at a publicly noticed Board meeting. However, the Board has opposed similar measures in the past.

The purposes of this bill are to require the Board to: (1) establish a regulatory structure for the regulation of dental assistants in Hawaii; and (2) submit to the Legislature no later than 20 days prior to the convening of the Regular Session of 2020¹ a report detailing the rules adopted pursuant to section 1 of the bill.

The apparent intent of this bill is to ensure the health, safety, and well-being of the State's consumers. However, the Board has serious concerns about this bill as written because the language is too restrictive, the timeline to promulgate rules are not feasible, and it does not offer practical options to become a dental assistant in Hawaii.

The bill requires, among other things, passing the certification examination administered by the Dental Assisting National Board, Inc. (DANB). The Board is concerned that due to the vagueness of the language in the bill (i.e., not naming the specific examination), the Board has no direction in determining the appropriate examination the applicant must take. For the Committee's information, DANB offers the National Entry-Level Dental Assistant (NELDA) certification and the Certified

¹ Section 2, page 2, line 6 of proposed H.D.1 provides that the Board shall submit a report detailing its rules no later than 20 days prior to the convening of the Regular Session of 2019. It should be corrected to reflect the Regular Session of 2020.

Dental Assistant (CDA) certification. Both certifications require passage of specific component exams.

DANB certification can be cost prohibitive for some individuals. DANB examination costs range from \$375 for the NELDA examinations to \$425 for the CDA examinations. Further, there are only two testing sites in the State, which are located on Maui and Oahu. Dental assistants from the Big Island, Kauai, Lanai and Molokai would be required to travel to either Oahu or Maui, and incur not only the examination costs, but also the travel costs. This is clearly a disproportionate hardship on neighbor island dental assistants and may discourage them from the profession.

In addition, not everyone performs well on written examinations, and some may have difficulty passing the test, even if their work performance is sound. A significant reduction in the workforce of dental assistants would not be in the best interests of the public.

Currently, dental assistants must be trained in sterilization and disinfection procedures that meet Occupational Safety and Health Administration standards and Centers for Disease Control and Prevention and American Dental Association guidelines, as well as training on ethics, patient record keeping, patient confidentiality, and cardiopulmonary resuscitation, as found in Hawaii Administrative Rules (HAR) section 16-79-69.5. The training courses must be provided by approved sponsors pursuant to HAR section 16-79-142.

The administrative rules also provide language that specifically prohibits dental assistants from performing certain work. This includes, but is not limited to, work that is irreversible as to cause change in the affected hard or soft tissues, as well as work that is permanent or may require reconstructive or corrective procedures.

For the Committee's information, the January 2018 Office of the Auditors' Sunrise Analysis: Regulation of Dental Assistants, Report No. 18-02 estimates that the total number of dental assistants in Hawaii are between 2,000 to 4,000. The Auditor recommended that the Legislature adopt a tiered regulatory scheme for the

profession of dental assisting under which dental assistants must comply with regulatory requirements before performing duties that may reasonably affect patient health, safety, or welfare. However, dental assistants whose practices are limited to more entry-level duties that do not reasonably endanger patient health, safety, or welfare do not require any credential to perform those duties.

Furthermore, the bill also requires that all dental assistants have a high school diploma or passed the general education development test. Passage of this bill would prevent high school students who are currently attending health-related workforce training in their high schools from meaningfully participating in the assigned work of a dental office. This bill would also prevent those who have not graduated from high school or earned a general equivalency diploma to qualify for certification.

Accordingly, the Board supports statutory changes to establish a logical tiered approach to the regulation of dental assistants at all levels, as recommended by the January 2018 Auditor's report. This tiered approach would be an improvement over the current system, and public health would not be put at any undue risk. In addition, the Board requests that it be provided an appropriate amount of time to discuss with stakeholders the promulgation of its rules. The requirement that the Board promulgate rules and report to the Legislature no later than 20 days prior to the convening of the Regular Session of 2020 is not feasible.

Thank you for the opportunity to testify on this bill.



Hawaii Dental Association

To: The House Committees on Health and Intrastate Commerce
Time/Date: 8:30 a.m., February 12, 2019
Location: Capitol Conference Room 329
Re: HB 221, Relating to Dental Assistants

Aloha Chair Mizuno, Chair Ohno, and members of the committees:

The Hawaii Dental Association (HDA) is a statewide professional membership organization comprised of approximately 950-member dentists. HDA and its members are committed to protecting the oral health and well-being of the people of Hawaii, from keiki to kupuna and everyone in between.

HB 221, proposed HD 1, establishes a tiered approach and framework of minimum qualifications for dental assistants. In January 2018, the State's legislative auditor finalized a report which recommended that the State consider a "tiered regulatory framework" for dental assistants. The auditor's report noted that such tiered regulatory frameworks have been adopted by many other states and provided examples of them. HDA is committed to advance the oral health of Hawaii residents and has participated along with dozens of stakeholders in the formation of the state's oral health strategic plan. We therefore support the intent of this measure and wish to be part of ongoing public conversations concerning its implementation provisions.

Thank you for the opportunity to testify in support of this measure.



Testimony in Support of HB 221 HD1, Relating to Dental Assistants

Ellie Kelley-Miyashiro, RDH, BS

Hawaii Dental Hygienists' Association Past President/Regulations and Practice Chairperson 2018-2019

February 10, 2019

Dear Chair Mizuno and Respected Members of the Committee on Health:

The Hawaii Dental Hygienists' Association (HDHA) supports the intent of **HB 221 HD1**. We applaud your leadership in initiating this important safety measure during the 2019 legislative session.

Currently, dental assistants in Hawai'i do not need any specific education or other qualifications and are unregulated by the State. In Hawai'i, Dental Assistants are identified in statute and administrative rule as unlicensed auxiliary personnel who perform supportive dental procedures under the direct supervision, direction, evaluation, and responsibility of a licensed dentist. Training for dental assistant duties is typically done on-the-job by the supervising dentist and/or another assistant, and varies from office to office and from dentist to dentist. This "on-the-job" method of training creates patient dental care with little, to no standardization. It also creates an environment where dental assistants can risk public safety and practice beyond their allowable duties, due to the absence of, or limited knowledge of, the Hawaii Revised Statutes and Hawaii Administrative Rules.

It has been determined by the State auditor that several tasks, routinely performed by dental assistants in Hawai'i, can and do pose a reasonable risk of injury to patients. Tasks such as, proper infection control and sterilization, radiation exposure, use of sharp instruments to remove excess cement or other materials within the mouth, or possible aspiration while taking intraoral impressions, all pose some risk to patients. Because of this risk, HDHA believes all Dental Assistants should be uniformly trained and certified via the Dental Assisting National Board or another means measurable by the State, creating a way to monitor this important profession.

HDHA does have concerns with **HD1** regarding a tiered approach with a Basic Level dental assistant. We feel this would still allow for an "on-the-job" approach to training a new dental assistant, which would be a similar scenario to what is currently happening. If no legal requirement is set in place to require standardized training for all dental assistants, we feel no real change will occur. The intent of this measure is clearly to increase public safety, so to allow a "same case scenario" is not an effective use of legislators time nor is it in the best interest of the public.

HDHA thanks you for your time and consideration of **HB 221 HD1**. As always, The Hawaii Dental Hygienists' Association would like to convey our core desire that dentists, hygienists and dental assistants continue to be integral members of the oral health team, and feel that the public is best served and protected when all members of the Oral Health workforce are properly trained, certified and regulated.

Thank you for your consideration.

HB-221

Submitted on: 2/10/2019 9:40:24 AM

Testimony for HLT on 2/12/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ashley Trapp	Individual	Support	No

Comments:

I am in support of HB 221.

I am a practicing dental hygienist and it is a constant battle to continuously enforce such things as infection control and radiology safety to assistants that simply have not been required to learn the basics of being in the dental office. Training on the job can only go so far. Often times assistants return to bad habits as soon as they are reminded. Requiring a certification would ensure that they thoroughly understand why these regulations are in place and how they protect not only the office members but our patients as well.

Thank you

I am a dental hygienist and I am in support of bill 221 that requires to establish a way to regulate the dental assistants in Hawaii. Currently, there is no education or additional qualifications and requirements that are asked of the dental assistants in our state. There are many different duties that the dental assistants perform that can pose as a risk to the patients safety. Therefore, I ask that that the jobs of dental assistants be regulated and get proper training from the state or their national dental assisting board. Thank you for your time and consideration.

Beverly Duyan, RDH.

HB-221

Submitted on: 2/10/2019 10:46:42 AM

Testimony for HLT on 2/12/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
rica a	Individual	Support	No

Comments:

I am in support of bill HB 221

HB-221

Submitted on: 2/10/2019 1:17:31 PM

Testimony for HLT on 2/12/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Leonard Chong	Individual	Support	No

Comments:

I am in support of bill BH 221.

HB-221

Submitted on: 2/10/2019 9:46:23 AM

Testimony for HLT on 2/12/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jessica Lozano	Individual	Support	No

Comments:

Health professionals are regulated and certified to treat patients. Dental assistants should be held to the same standards for the safety of patients.

HB-221

Submitted on: 2/10/2019 1:47:57 PM

Testimony for HLT on 2/12/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
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Comments:

I am in support of Bill HB 221

Petition to Submit Testimony in Support of HB221 HD1

<p>Petition summary and background:</p>	<p>As Registered Dental Hygienists in the state of Hawaii, we SUPPORT HB221 HD1. In State Statute, Dental Assistants have clearly delineated allowable/prohibited duties, but no regulation or licensing of Dental Assistants is required in the state of Hawaii. The majority of Hawaii Dental Assistants are trained on the job by other Dental Assistants or their supervising Dentist.</p> <p>According to the State auditor, several duties routinely performed by Dental Assistants in Hawaii can and do pose a reasonable risk of injury to patients. Because of this risk, we believe Dental Assistants should be uniformly trained and certified via the Dental Assisting National Board or another means measurable by the State. We feel the proposed basic-level Dental Assistant option should NOT be included in order to have standardized training of all Dental Assistants in the State of Hawaii.</p> <p>Upon completion of certification, the State can then properly regulate licenses.</p>
<p>Action petitioned for:</p>	<p>We, the undersigned, are concerned citizens who urge our leaders to act now to Support HB221 HD1 requesting the Board of Dentistry to adopt rules requiring certification of dental assistants by the Dental Assisting National Board or other State-approved certification for the public's safety.</p>

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HB-221

Submitted on: 2/10/2019 10:39:59 PM

Testimony for HLT on 2/12/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
lisa forbes	Individual	Support	No

Comments:

As a dental professional in the community, I support this bill and its intent to prioritize public safety in regards to dental assistants lacking formal training and certifications. Because dental assistants lack this formal training, there is little to no standardization of care for patients, and dental assistants are often performing tasks that are well beyond their scope of practice with no education in patient safety. For example, there is no education on infection control, radiation exposure, sharps management, the use of sharp instruments to help assist the dentist with removal of crowns, etc. Therefore, having regulation on dental assistants training would help provide a better standard of care to all patients.

However, I would like to express a concern regarding the bill. The tier level of assistants allows for the lowest level of Assistants opportunities to learn "on the job". Sometimes when this happens, the lack of knowledge and no standardization can lead to harm to patients and performing tasks outside of their scope of practice. This level basically allows for dental assistants to remain unregulated creating little to no change.

Because dental assistants play an important supporting role to dental healthcare, I believe the public deserves to be best served and protected. Proper education and regulation of dental assistants will help provide this kind of high level care.

HB-221

Submitted on: 2/10/2019 1:38:37 PM

Testimony for HLT on 2/12/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sandra Jamilla	Individual	Support	No

Comments:

"I am in support of bill HB 221"

HB-221

Submitted on: 2/11/2019 10:03:20 AM

Testimony for HLT on 2/12/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Norman S. Chun	Individual	Comments	No

Comments:

I am a practicing dentist in Hawaii for 38 years and I support the intent of the bill. However, the implementation is near impossible and not practical as written. A study will be needed to involve all the parties such as Kapiolani Community College DA school, private and public clinics and other vocational schools. A multi level certification structure needs to be established to help general practitioners vs specialist.

Respectfully,

Dr. Norman S Chun

Testimony in Support of HB 221 HD1, Relating to Dentistry

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

February 11, 2019

Dear Chair Mizuno and Respected Members of the Committee on Health:

As a practicing dental hygienist on the Big island of Hawaii since 1992, I support the intent of **HB 221 HD1** to protect public safety.

Dental Assistants in Hawaii are defined in Hawaii Revised Statutes (HRS) and Hawaii Administrative Rules (HAR) as unlicensed auxiliary personnel who perform supportive dental procedures under the direct supervision, direction, evaluation, and responsibility of a licensed dentist. More often than not, they are trained on the job, often by other dental assistants, and varying from office to office. There is no standardized education, testing, certification or licensure required by the state of Hawaii. Because of this, there is no standardized level of care for safety, particularly with procedures like Aseptic technique, Infection Control, Sterilization, and even Radiography, where “x-rays” are often freely taken repeatedly to ‘get the right angle”, needlessly exposing the patients to excess radiation, to see what needs to be seen. If they had standardized training, the quality of radiographs would be consistent, the first time, almost everytime. The public has no way of knowing the level of care, skill, or judgment they are receiving. There is no requirement to post any training they have received, if any. In addition, dental assistants can easily risk public safety by practicing beyond their allowable duties, often due to their own ignorance of the HRS or HAR, trusting the dentist to stay within the law and naively doing whatever he/she asks them to do.

Without standardized training and testing, Dental Assistants unknowingly pose a risk to public safety. Standardized education and testing by the Dental Assisting National Board and certification by the State, could provide a reasonable way to regulate this profession for the safety of the public.

As HB 221 HD 1 provides a Basic entry level tier for dental assistants, requiring only an age limit and high school diploma to work as a dental assistant, the standard of care here in Hawaii won't necessarily change at all! There is no requirement for dental offices to practice beyond the current status quo. In addition, allowing such a low standard, with no requirement to post dental assistants training or certification, leaves the public in the dark with regard to who is providing their care or if it is even legal for a dental assistant to provide the procedures they receive. I see no point in putting time and energy into this bill, considering the provision for status quo. Why not raise the bar for the people of Hawaii by providing the public with a higher standard of care and ensure their safety with standardized education and regulation of dental assistants? Will it cost more for dental assistants to receive this? Yes. However, it is an investment that will build self esteem along with serving public care and safety.

Please consider passing **HB 221 HD1 with amendments** that are forward thinking and put public safety first.

Thank you for your consideration.

Diane Brucato, RDH, EF, BS, FAADH

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