
A BILL FOR AN ACT

RELATING TO DENTISTRY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 DENTAL THERAPISTS

6 § -1 Definitions. As used in this chapter:

7 "Board" means the board of dentistry.

8 "Dental therapist" means an individual licensed under this
9 chapter to provide the dental therapy services set forth in
10 section -7(b) pursuant to a collaborative agreement.

11 "Dentist" means an individual holding a certificate of
12 license to practice dentistry pursuant to chapter 448; provided
13 that the individual is not a holder of a community service
14 license or a temporary license.

15 § -2 Licensure; investigations and hearings;

16 certificates of licensure. (a) An applicant shall be eligible



1 for licensure as a dental therapist if the applicant is eighteen
2 years of age or more, and:

3 (1) Submits an application and fee in the manner
4 prescribed by the board in rules adopted pursuant to
5 chapter 91;

6 (2) Is a graduate of a dental therapy education program
7 that is accredited by the American Dental Association
8 Commission on Dental Accreditation or any other dental
9 accrediting entity recognized by the United States
10 Department of Education. A graduate of a non-
11 accredited education program is also eligible for
12 licensure if the applicant's education and training is
13 comparable to an accredited program considering both
14 the applicant's education program and any additional
15 education, training, or supervised practice that was
16 completed by the applicant after graduation, as
17 determined by the board;

18 (3) Has demonstrated clinical competency to provide dental
19 therapy services through at least one of the following
20 methods:



1 (A) Graduation from an accredited, competency-based
2 dental therapy education program that includes
3 supervised clinical practice and requires
4 demonstration of clinical competency prior to
5 graduation, as determined by the board;

6 (B) Completion of a total of four hundred hours of
7 clinical practice under the direct or indirect
8 supervision of a dentist licensed in any state,
9 which may be completed during or after the
10 applicant's dental therapy education or a
11 combination of both; or

12 (C) Passing a clinical licensing examination
13 administered by a board-approved regional or
14 national dental testing service or another
15 examination approved by the board; and

16 (4) Has successfully completed a written examination on
17 the laws and rules of the State relating to the
18 practice of dental therapy.

19 (b) The board, or its duly authorized representative, may
20 inquire of any applicant for examination concerning the
21 applicant's character, qualifications, or experience and may



1 conduct investigations and hearings in order to secure further
2 information concerning the character, qualifications, or
3 experience of any such applicant.

4 (c) Upon the board's determination that an applicant has
5 successfully met the requirements of subsection (a) and after
6 any investigations or hearings pursuant to subsection (b), the
7 board shall issue a certificate of licensure to the applicant.
8 The original or a copy of the certificate of licensure shall be
9 prominently displayed at all times in the workplace where the
10 dental therapist is employed or practices.

11 § -3 Fees. Every individual holding a license to
12 practice as a dental therapist in the State pursuant to this
13 chapter shall pay to the board on or before December 31 of each
14 odd-numbered year, a biennial registration fee as determined by
15 the board through rules adopted pursuant to chapter 91. The
16 failure, neglect, or refusal of any duly licensed dental
17 therapist to pay the biennial fee during the time the license
18 remains in force shall constitute a forfeiture of the license;
19 provided that the license may be restored upon written
20 application and payment to the board of the biennial
21 registration fee and a restoration fee.



1 § -4 **Supervision by a dentist.** A licensed dental
2 therapist may perform the dental therapy services in section
3 -7(b) under the general supervision of a dentist to the
4 extent authorized by the supervising dentist and provided that
5 the services are consistent with the terms of a written
6 collaboration agreement that meets the requirements of section
7 -5. The supervising dentist may restrict or limit the dental
8 therapist's practice to be less than the full set of dental
9 therapy services set forth in section -7(b). A supervising
10 dentist may authorize a dental therapist to provide dental
11 therapy services without a prior examination or diagnosis by a
12 dentist.

13 § -5 **Collaborative agreement.** Prior to performing any
14 of the services authorized under this chapter, a dental
15 therapist shall enter into a written collaboration agreement
16 with a supervising dentist. The agreement shall be signed by
17 the dental therapist and the supervising dentist, updated
18 whenever changes are made in the supervisory or collaborative
19 relationship, and maintained on file. A dentist may enter into
20 a collaborative agreement with more than one dental therapist
21 and a dental therapist may enter into a collaborative agreement



1 with more than one dentist. The collaborative agreement shall
2 include:

3 (1) Methods of dentist supervision, consultation, and
4 approval;

5 (2) Services the dental therapist is authorized to
6 provide, including any limits or conditions set by the
7 supervising dentist on the provision of any of the
8 services set forth in section -7(b);

9 (3) Settings in which the supervising dentist authorizes
10 dental therapy services to be provided and the
11 circumstances or conditions under which services may
12 be provided in particular settings;

13 (4) Protocols for informed consent, recordkeeping, quality
14 assurance, and dispensing or administering
15 medications;

16 (5) Policies for handling referrals when a patient needs
17 services the dental therapist is not authorized or
18 qualified to provide;

19 (6) Policies for handling medical emergencies;



H.B. NO. 1806

1 (7) Circumstances or conditions when dental therapy
2 services may be provided without a prior examination
3 or diagnosis by the supervising dentist; and

4 (8) Policies for supervision of dental assistants and
5 working with dental hygienists and other dental
6 practitioners and staff.

7 § -6 **Supervision of dental assistants.** A dental
8 therapist may supervise one or more dental assistants.

9 § -7 **Scope of practice; dental therapy services.** (a)
10 The practice of dental therapy shall be defined as the competent
11 provision of the following oral health care services under the
12 general supervision of a dentist:

13 (1) Identifying oral and systemic conditions requiring
14 evaluation or treatment by dentists, physicians, or
15 other healthcare providers, and manage referrals;

16 (2) Comprehensive charting of the oral cavity;

17 (3) Oral health instruction and disease prevention
18 education, including nutritional counseling and
19 dietary analysis;

20 (4) Exposing radiographic analysis;



- 1 (5) Dental prophylaxis including sub-gingival scaling or
- 2 polishing procedures;
- 3 (6) Dispensing and administering via the oral or topical
- 4 route non-narcotic analgesics, anti-inflammatory, and
- 5 antibiotic medications as prescribed by a licensed
- 6 healthcare provider;
- 7 (7) Providing topical preventative or prophylactic agents,
- 8 including fluoride varnish, antimicrobial agents, and
- 9 pit and fissure sealants;
- 10 (8) Pulp vitality testing;
- 11 (9) Applying desensitizing medication or resin;
- 12 (10) Fabricating athletic mouthguards;
- 13 (11) Changing periodontal dressings;
- 14 (12) Administering local anesthetic;
- 15 (13) Simple extraction of erupted primary teeth;
- 16 (14) Emergency palliative treatment of dental pain limited
- 17 to the procedures in this subsection;
- 18 (15) Preparation and placement of direct restoration in
- 19 primary and permanent teeth;
- 20 (16) Fabrication and placement of single-tooth temporary
- 21 crowns;



- 1 (17) Preparation and placement of preformed crowns on
- 2 primary teeth;
- 3 (18) Indirect and direct pulp capping on permanent teeth;
- 4 (19) Indirect pulp capping on primary teeth;
- 5 (20) Suture removal;
- 6 (21) Minor adjustments and repairs on removable prostheses;
- 7 and
- 8 (22) Removal of space maintainers.
- 9 (b) A licensed dental therapist may provide the following
- 10 dental therapy services to the extent authorized in the written
- 11 collaboration agreement:
- 12 (1) All the services for which education is provided by
- 13 accredited dental therapy education programs under the
- 14 American Dental Association Commission on Dental
- 15 Accreditation's accreditation standards for dental
- 16 therapy education programs;
- 17 (2) Oral examination, evaluation, diagnosis, and treatment
- 18 planning for conditions and services that are within
- 19 the practice of dental therapy and the dental
- 20 therapist's education;



- 1 (3) Any of the following services if a dental therapist's
2 education program or post-graduation education
3 included education on the provision of the service:
- 4 (A) Evaluation of radiographic images;
 - 5 (B) Administration of nitrous oxide;
 - 6 (C) Placement and removal of intraoral sutures;
 - 7 (D) Pulpotomy on primary teeth;
 - 8 (E) Fabrication of soft occlusal guards;
 - 9 (F) Tooth reimplantation and stabilization;
 - 10 (G) Recementing permanent crowns; or
 - 11 (H) Simple extractions of periodontally diseased
12 permanent teeth with mobility of +3 or +4;
- 13 (4) Other services and functions related to those services
14 within paragraphs (1), (2), or (3) for which the
15 dental therapist has education and training; and
- 16 (5) Other services authorized by the board by rule adopted
17 pursuant to chapter 91.

18 § -8 Continuing education requirements. The board shall
19 adopt a program of continuing education for dental therapists.
20 After January 1, 2022, at the time of reregistration of license
21 as a dental therapist, each licensee shall present to the board



1 evidence of compliance with the program of continuing education.
2 Failure to reregister and present evidence of compliance shall
3 constitute a forfeiture of license, which may be restored only
4 upon written application therefor and payment to the board of
5 the biennial registration fee and a restoration fee.

6 § -9 **Revocation of dentist's license.** The board of
7 dentistry may revoke the license of any dentist who permits any
8 dental therapist employed by or working under the dentist's
9 supervision to perform any dental operation other than that
10 permitted under this chapter.

11 § -10 **Summary suspension.** (a) The board may summarily
12 suspend any license issued under this chapter upon a specific
13 determination that the failure to take such an action may result
14 in an immediate and unreasonable threat to personal safety or of
15 fraud that jeopardizes or endangers the health or safety of
16 patients as determined by the professional standards of care
17 upon consumers, and that, for the protection of the public from
18 the possible consequences of such practices, the license should
19 be immediately suspended or restricted.

20 (b) The order of summary suspension shall include a brief
21 statement of findings of fact and conclusions of law and shall



1 be served upon the licensee as required by chapter 91. The
2 order of summary suspension shall be effective upon service.

3 (c) A licensee served with an order of summary suspension
4 shall have the right to request a hearing to show cause why the
5 order of summary suspension should be terminated. Any request
6 for a hearing shall be made in writing and filed with the board
7 within five business days of service of the order. The board
8 shall hold a hearing within seven business days of receipt of
9 the licensee's request for the hearing to show cause.

10 (d) Notwithstanding any law to the contrary, an order
11 summarily suspending a license issued under this chapter shall
12 remain in effect until the effective date of a final decision
13 and order issued by the board in a disciplinary action or the
14 effective date of an order issued by the board terminating the
15 summary suspension following a hearing to show cause, whichever
16 occurs first, but in either case shall not exceed thirty
17 business days.

18 (e) The board shall conduct a hearing for disciplinary
19 action against a licensee whose license has been summarily
20 suspended under this section within twenty business days from
21 the effective date of the order of summary suspension.



1 (f) Any attempt by the licensee to continue the practice
2 of dental therapy or the practice of dental therapy by the
3 licensee while the license has been summarily suspended shall be
4 grounds for revocation of the license.

5 § -11 Filing of false information; revocation of
6 licenses. The board shall refuse to grant a license to any
7 applicant or shall revoke the license of any person who
8 knowingly records, registers, or files, or offers for
9 recordation, registration, or filing with the department of
10 commerce and consumer affairs, any written statement which has
11 been falsely made, completed, or altered, or in which a false
12 entry has been made, or which contains a false statement or
13 false information.

14 § -12 Prohibited acts; discipline; penalty. (a) In
15 addition to any other actions authorized by law, the board may
16 suspend or revoke any license issued under this chapter or fine
17 a licensee for any cause authorized by law, including but not
18 limited to the following:

- 19 (1) Professional misbehavior; or
20 (2) Any other violation of this chapter or rules adopted
21 pursuant thereto.



1 (b) Any person who violates any of the provisions of this
2 chapter or any other law, or who fails to comply with any of the
3 requirements or provisions of this chapter or any other law, a
4 penalty for which is not otherwise provided, shall be fined not
5 less than \$50, nor more than \$250, and each day's violation or
6 failure to comply shall be deemed a separate violation and shall
7 result in a separate fine.

8 § -13 Remedies or penalties cumulative. Unless
9 otherwise expressly provided, the remedies provided by this
10 chapter are cumulative to each other and to the remedies or
11 penalties available under all other laws of this State."

12 SECTION 2. Chapter 346, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§346- Dental therapy coverage under medical assistance
16 programs. For purposes of medical assistance programs that
17 offer dental services, services provided by a dental therapist
18 who is licensed pursuant to chapter and under the
19 supervision of a licensed dentist who is enrolled as a state
20 medicaid dental provider shall be covered; provided that the
21 dental therapist is enrolled as a medicaid provider and is



1 designated as the rendering provider on claims submitted by an
2 enrolled and authorized medicaid billing provider."

3 SECTION 3. Section 92-28, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§92-28 State service fees; increase or decrease of. Any
6 law to the contrary notwithstanding, the fees or other nontax
7 revenues assessed or charged by any board, commission, or other
8 governmental agency may be increased or decreased by the body in
9 an amount not to exceed fifty per cent of the statutorily
10 assessed fee or nontax revenue, to maintain a reasonable
11 relation between the revenues derived from such fee or nontax
12 revenue and the cost or value of services rendered,
13 comparability among fees imposed by the State, or any other
14 purpose which it may deem necessary and reasonable; provided
15 that:

16 (1) The authority to increase or decrease fees or nontax
17 revenues shall be subject to the approval of the
18 governor and extend only to the following: chapters
19 36, 92, 94, 142, 144, 145, 147, 150, 171, 188, 189,
20 231, 269, 271, 321, 338, 373, 412, 414, 414D, 415A,
21 417E, 419, 421, 421C, 421H, 421I, 425, 425E, 428, 431,



1 436E, 436H, 437, 437B, 438, 439, 440, 440E, 441, 442,
2 443B, 444, 447, 448, 448E, 448F, 448H, 451A, 451J,
3 452, 453, 453D, 455, 456, 457, 457A, 457B, 457G, 458,
4 459, 460J, 461, 461J, 462A, 463, 463E, 464, 465, 465D,
5 466, 466D, 466K, 467, 467E, 468E, 468L, 468M, 469,
6 471, 472, 482, 482E, 484, 485A, 501, 502, 505, 514B,
7 514E, 572, 574, [~~and~~] 846 (part II), and and any
8 board, commission, program, or entity created pursuant
9 to title 25 and assigned to the department of commerce
10 and consumer affairs or placed within the department
11 for administrative purposes;

12 (2) The authority to increase or decrease fees or nontax
13 revenues under the chapters listed in paragraph (1)
14 that are established by the department of commerce and
15 consumer affairs shall apply to fees or nontax
16 revenues established by statute or rule;

17 (3) The authority to increase or decrease fees or nontax
18 revenues established by the University of Hawaii under
19 chapter 304A shall be subject to the approval of the
20 board of regents; provided that the board's approval
21 of any increase or decrease in tuition for regular



- 1 credit courses shall be preceded by an open public
2 meeting held during or prior to the semester preceding
3 the semester to which the tuition applies;
- 4 (4) This section shall not apply to judicial fees as may
5 be set by any chapter cited in this section;
- 6 (5) The authority to increase or decrease fees or nontax
7 revenues pursuant to this section shall be exempt from
8 the public notice and public hearing requirements of
9 chapter 91; and
- 10 (6) Fees for copies of proposed and final rules and public
11 notices of proposed rulemaking actions under chapter
12 91 shall not exceed 10 cents a page, as required by
13 section 91-2.5."

14 SECTION 4. Section 448-5, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "§448-5 Board of dentistry; appointment. The board of
17 dentistry shall consist of [~~twelve~~] thirteen members, eight of
18 whom shall be practicing dentists who have been engaged in the
19 practice of dentistry for a period of five years preceding their
20 several appointments, two of whom shall be practicing dental
21 hygienists, duly licensed under section 447-1, who have been



1 engaged in the practice of dental hygiene in the State for a
2 period of five years preceding appointment, one of whom shall be
3 a practicing dental therapist duly licensed under chapter _____,
4 and two of whom shall be public members. No member shall be in
5 any way connected with, or interested financially in, any dental
6 supply company. One member in the practice of dentistry shall
7 be appointed from each of the counties of Hawaii, Maui, and
8 Kauai and five members in the practice of dentistry shall be
9 appointed from the city and county of Honolulu. As used in this
10 chapter, "board" means the board of dentistry."

11 SECTION 5. Section 466J-6, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) Any provision in this chapter to the contrary
14 notwithstanding, a license shall not be required for:

- 15 (1) A licensed medical practitioner in radiology;
16 (2) A licensed practitioner of nuclear medicine;
17 (3) A licensed physician assistant;
18 (4) A licensed doctor of dentistry;
19 (5) A licensed dental therapist;
20 [~~5~~] (6) A licensed dental technician;
21 [~~6~~] (7) A licensed dental hygienist;



1 ~~[(7)]~~ (8) A student in an approved school for
2 radiographers, radiation therapists, or nuclear
3 medicine technologists, or in a school of medicine,
4 podiatry, dentistry, or a chiropractic school;
5 provided that the student is operating x-ray machines
6 under the direct supervision of a licensed
7 radiographer, licensed radiation therapist, licensed
8 nuclear medicine technologist, or a qualified person
9 pursuant to this chapter; and

10 ~~[(8)]~~ (9) A radiologist duly licensed to practice medicine
11 and radiology services in another state who uses
12 telehealth while located in this State to provide
13 radiology services to a patient who is located in the
14 state in which the radiologist is licensed; provided
15 that services provided by telehealth pursuant to this
16 paragraph shall be consistent with all federal and
17 state privacy, security, and confidentiality laws.

18 For the purposes of this paragraph:

19 "Distant site" means the location of the
20 radiologist delivering services through telehealth at
21 the time the services are provided.



1 "Originating site" means the location where the
2 patient is located, whether accompanied or not by a
3 health care provider, at the time services are
4 provided by a radiologist through telehealth,
5 including but not limited to a radiologist's or health
6 care provider's office, hospital, health care
7 facility, a patient's home, and other non-medical
8 environments such as school-based health centers,
9 university-based health centers, or the work location
10 of a patient.

11 "Radiologist" means a doctor of medicine or a
12 doctor of osteopathy certified in radiology by the
13 American Board of Radiology or the American Board of
14 Osteopathy.

15 "Telehealth" means the use of telecommunications,
16 as that term is defined in section 269-1, to encompass
17 four modalities: store and forward technologies,
18 remote monitoring, live consultation, and mobile
19 health; and which shall include but not be limited to
20 real-time video conferencing-based communication,
21 secure interactive and non-interactive web-based



H.B. NO. 1806

1 communication, and secure asynchronous information
 2 exchange, to transmit patient medical information,
 3 including diagnostic-quality digital images and
 4 laboratory results for medical interpretation and
 5 diagnosis, for the purpose of delivering enhanced
 6 health care services and information while a patient
 7 is at an originating site and the radiologist is at a
 8 distant site. Standard telephone contacts, facsimile
 9 transmissions, or e-mail texts, in combination or by
 10 themselves, do not constitute a telehealth service for
 11 the purposes of this paragraph."

12 SECTION 6. Statutory material to be repealed is bracketed
 13 and stricken. New statutory material is underscored.

14 SECTION 7. This Act shall take effect on July 1, 2020;
 15 provided that section 4 of this Act shall take effect on July 1,
 16 2025.

17

INTRODUCED BY:

T. Stalder
Lindeschinger
John M. [Signature]



H.B. NO. 1806

Report Title:

Dental Therapists; Licensure; Board of Dentistry

Description:

Establishes the licensure and regulation of dental therapists.

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