

JAN 17 2020

A BILL FOR AN ACT

RELATING TO DENTAL ASSISTANTS.

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

1 SECTION 1. The legislature finds that the proper
2 standardization and regulation of dental assistants is necessary
3 to ensure the health, safety, and well-being of the State's
4 citizens. Currently, Hawaii is one of only a handful of states
5 that does not require dental assistants to be certified, and the
6 legislature finds that this exposes patients to unnecessary
7 risks. The legislature further finds that establishing minimum
8 requirements for dental assistants, including educational
9 requirements, will ensure that dental patients receive the best
10 available care.

11 Accordingly, the purpose of this Act is to establish
12 minimum requirements for dental assistants in Hawaii, including:

13 (1) Requiring an individual hired as a dental assistant on
14 or after July 1, 2021, to hold a cardiopulmonary
15 resuscitation certification and complete a two-
16 semester program accredited by the American Dental
17 Association Commission on Dental Accreditation;



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- 1 (2) Requiring all dental assistants employed as of July 1,
- 2 2020, to obtain a cardiopulmonary resuscitation
- 3 certification by July 1, 2021;
- 4 (3) Requiring an individual employed as a dental assistant
- 5 for less than five years as of July 1, 2020, to
- 6 provide proof of enrollment in a two-semester program
- 7 accredited by the American Dental Association
- 8 Commission on Dental Accreditation;
- 9 (4) Exempting an individual employed as a dental assistant
- 10 for at least five years as of July 1, 2020, from the
- 11 education requirements for dental assistants; provided
- 12 that the individual has no history of complaints filed
- 13 with the board of dentistry; and
- 14 (5) Clarifying the allowable and prohibited practices of
- 15 dental assistants.

16 SECTION 2. Chapter 448, Hawaii Revised Statutes, is
 17 amended by adding a new section to be appropriately designated
 18 and to read as follows:

19 "§448- Dental assistants; requirements; allowed and
 20 prohibited practices. (a) All individuals hired as dental
 21 assistants in this State on or after July 1, 2021, shall:



1 (1) Hold a cardiopulmonary resuscitation certification;

2 and

3 (2) Provide proof to the board that the dental assistant

4 has successfully completed a two-semester program

5 accredited by the American Dental Association

6 Commission on Dental Accreditation.

7 (b) An individual employed as a dental assistant as of

8 July 1, 2020, shall obtain a cardiopulmonary resuscitation

9 certification by July 1, 2021.

10 (c) An individual employed as a dental assistant for less

11 than five years as of July 1, 2020, shall provide proof to the

12 board that the individual has enrolled in a two-semester program

13 accredited by the American Dental Association Commission on

14 Dental Accreditation by July 1, 2021.

15 (d) An individual employed as a dental assistant for at

16 least five years as of July 1, 2020, shall be exempt from the

17 education requirement under subsection (a)(2); provided that the

18 individual has no history of complaints filed with the board.

19 (e) A dental assistant may perform the following

20 supportive dental procedures under the direct supervision,

21 direction, evaluation, and responsibility of a licensed dentist:



- 1 (1) Assisting a licensed dentist who is actually
2 performing a dental procedure on a patient, including:
3 (A) Preparing procedural trays or armamentaria set-
4 ups;
5 (B) Retracting a patient's oral tissues to maintain
6 the field of operation during the dental
7 procedure;
8 (C) Removing debris, as is normally created and
9 accumulated during or after operative procedures
10 by the dentist;
11 (D) Placing and removing the rubber dam;
12 (E) Mixing dental materials; and
13 (F) Transferring dental instruments or any other
14 concept of four-handed dentistry the dentist
15 requires to perform the procedure;
16 (2) Assisting a licensed dental hygienist in the
17 performance of the duties of the dental hygienist;
18 provided that the assistance shall not include
19 procedures included in subsection (f);
20 (3) Collecting medical and dental histories, taking intra-
21 oral and extra-oral photographs, and recording or



- 1 charting clinical findings as dictated by a licensed
2 dentist or dental hygienist;
- 3 (4) Completing prescription and authorization forms for
4 drug or restorative, prosthodontic, or orthodontic
5 appliance for the supervising licensed dentist;
6 provided that the licensed dentist signs the forms;
- 7 (5) Conducting mouth mirror supragingival inspections and
8 reporting observations to the supervising licensed
9 dentist; provided that the inspection and reporting
10 observations shall not be interpreted as an oral
11 cancer screening;
- 12 (6) Exposing, processing, mounting, and labeling
13 radiographs;
- 14 (7) Making impressions for study casts; opposing models;
15 occlusal appliances, such as splints and bite guards;
16 mouth guards; orthodontic retainers; and medicament
17 trays;
- 18 (8) Making intra-oral measurements for orthodontic
19 procedures; performing the preliminary selection and
20 sizing of bands; checking for loose bands and bonded
21 brackets; placing and removing orthodontic separators,



- 1 ligature ties, and inter-arch elastics, including
2 chain elastics and rubber bands; fitting and removing
3 head appliances; and removing arch wires;
4 (9) Measuring and recording vital signs;
5 (10) Monitoring the nitrous oxide/oxygen unit and reporting
6 to the supervising dentist any adverse observations;
7 provided that the licensed dentist shall evaluate,
8 initiate, and administer the sedation;
9 (11) Placing matrix retainers;
10 (12) Placing non-aerosol topical anesthetics;
11 (13) Relating pre-operative and post-operative instructions
12 and patient education in oral hygiene as instructed by
13 the supervising licensed dentist or licensed dental
14 hygienist;
15 (14) Removing dressing and sutures;
16 (15) Removing excess supragingival cement after a licensed
17 dentist has placed a permanent or temporary prosthetic
18 restoration, appliance, or orthodontic band with hand
19 instruments; and



1 (16) Performing a try-in with any removable prosthetic or
2 orthodontic appliance; provided that the supervising
3 licensed dentist shall make the adjustments.

4 (f) A dental assistant shall not perform any activity
5 deemed to be irreversible so as to cause change in the affected
6 hard or soft tissues and is permanent, may require
7 reconstructive or corrective procedures, or represents the
8 practice of dentistry and dental hygiene or requires the
9 knowledge, skill, and training of a licensed dentist or licensed
10 dental hygienist, including the following procedures and intra-
11 oral functions:

12 (1) Administering local anesthetic, sedation, or general
13 anesthesia;

14 (2) Cementing, bonding, and adjusting any part of a
15 prosthesis or appliance worn in the mouth;

16 (3) Cementing or re-cementing, finishing margins,
17 performing a try-in, and adjusting the occlusion of a
18 temporary or permanent fixed prosthetic restoration,
19 or placing cement bases;

20 (4) Cementing bands and brackets or activating any
21 orthodontic appliance;



- 1 (5) Establishing occlusal vertical dimension, making bite
- 2 registrations, or making face-bow transfers;
- 3 (6) Examining, diagnosing, or prescribing a treatment
- 4 plan;
- 5 (7) Making final impressions, which would lead to the
- 6 fabrication of any appliance or prosthesis that, when
- 7 worn by the patient, would come in direct contact with
- 8 hard or soft tissues with the exception of the
- 9 procedures listed in subsection (e)(7);
- 10 (8) Performing any endodontic procedure to ream, file,
- 11 irrigate, medicate, dry, try-in cores, or fill root
- 12 canals, or establishing the length of the tooth;
- 13 (9) Performing any surgical or cutting procedures on hard
- 14 or soft tissues, extracting teeth, or suturing;
- 15 (10) Placing, condensing, carving, finishing, or adjusting
- 16 the occlusion of final restorations; or placing cavity
- 17 liners, medicaments, or pulp cap materials;
- 18 (11) Placings materials subgingivally including but not
- 19 limited to prescriptive medicaments, retraction cords,
- 20 and other devices that are used for tissue
- 21 displacement;



- 1 (12) Prescribing medications or authorizing the fabrication
- 2 of any restorative, prosthodontic, or orthodontic
- 3 appliances;
- 4 (13) Performing pulp vitality tests or other non-surgical
- 5 clinical and laboratory oral diagnostic tests;
- 6 (14) Using ultrasonic instruments or polishing natural or
- 7 restored surfaces;
- 8 (15) Applying pit and fissure sealants;
- 9 (16) Performing non-surgical periodontal scaling and root
- 10 planing, and periodontal maintenance;
- 11 (17) Performing dental prophylaxis, coronal polish natural
- 12 or restored surfaces, or removing overhangs;
- 13 (18) Placing periodontal dressing;
- 14 (19) Collecting, documenting, and assessing comprehensive
- 15 patient data including but not limited to screenings
- 16 for oral cancer, periodontal chartings, indices, and
- 17 risk assessments, which identify dental hygiene needs;
- 18 (20) Establishing a dental hygiene care plan that reflects
- 19 dental hygiene goals and strategies; or
- 20 (21) Providing dental hygiene care including but not
- 21 limited to pain management, full mouth debridement,



1 care of restorations, behavior modification, or
 2 preventative education and nutrition counseling as it
 3 relates to oral health."

4 SECTION 3. Section 448-3, Hawaii Revised Statutes, is
 5 amended by amending subsection (b) to read as follows:

6 "(b) A duly licensed and registered dentist may employ
 7 auxiliary personnel, other than registered dental hygienists, to
 8 assist the dentist in the practice of dentistry. These
 9 employees shall be known as dental assistants and shall perform
 10 all duties assigned to them under the supervision, direction and
 11 responsibility of the dentist [~~. Duties of the dental assistant~~
 12 ~~and regulatory directives shall be delineated under rules which~~
 13 ~~the board of dentistry may from time to time adopt.] pursuant to
 14 section 488- ."~~

15 SECTION 4. Statutory material to be repealed is bracketed
 16 and stricken. New statutory material is underscored.

17 SECTION 5. This Act shall take effect on July 1, 2020.

18

INTRODUCED BY: Ronald H. Beh



S.B. NO. 2584

Report Title:

Dental Assistants; Minimum Requirements; Certifications

Description:

Establishes minimum requirements for dental assistants.
Clarifies the allowable and prohibited practices by dental assistants.

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