

Testimony of the Board of Dentistry

**Before the
House Committee on Judiciary
Friday, March 29, 2019
2:05 p.m.
State Capitol, Conference Room 325**

**On the following measure:
S.B. 774, S.D. 1, H.D. 2, RELATING TO PROFESSIONAL
AND VOCATIONAL LICENSING**

Chair Lee 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 Dentistry (Board). The Board supports this bill.

The purposes of this bill are to require the Board to: (1) adopt rules for the regulation of dental assistants using certification options based on education level and permitted duties; and (2) report to the Legislature no later than twenty days prior to the convening of the Regular Session of 2020, detailing the progress of the rules adopted pursuant to section 1 of the bill.

The Board supports statutory changes to establish a logical tiered approach to the regulation of dental assistants at all levels, as recommended by the Auditor's January 2018 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 an appropriate amount of time to discuss with all stakeholders the promulgation of its rules.

Thank you for the opportunity to testify on this bill.



Testimony in Support of SB774, SD1, HD2, Relating to Dental Assistants

March 28, 2019

Dear Chair Lee and members of the Committee on Judiciary:

The Hawaii Dental Hygienists' Association (HDHA) supports **SB774, SD1, HD2**. 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 widely 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 have risked public safety by practicing 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's report that several basic 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 **SB774, SD1, HD2** regarding a tiered approach with employing 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 strongly feels that this measure should include language that would require ALL dental assistants, whether they are Basic Level or Qualified Dental Assistants to complete course work by a third party (not their employing dentist) in a few key areas such as, Proper Infection Control, Radiography Technique and Risk, CPR, and Allowable/Non Allowable Duties for Dental Assistants in accordance with Hawaii Revised Statute and Hawaii Administrative Rules on a bi-annual basis. Standardized knowledge in these areas would ultimately improve patient care and increase public safety.

HDHA thanks you for your time and consideration of **SB774, SD1, HD2**. As always, The Hawaii Dental Hygienists' Association would like to convey our core desire that dentists, hygienists and

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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.



Hawaii Dental Association

LATE

To: The House Committee on Judiciary
Time/Date: March 29, 2019; 2:05 PM
Location: Capitol Conference Room 329
Re: SB 774 SD1 HD2, Relating to Professional and Vocational Licensing

Aloha Chair Lee, Vice Chair San Buenaventura, and members of the committee:

The Hawaii Dental Association (HDA), a professional association comprised of approximately 950-member dentists, is submitting comments on SB 774 SD1 HD2. HDA is a statewide membership organization representing dentists practicing in Hawaii and licensed by the State of Hawaii's Board of Dentistry. HDA members are committed to protecting the oral health and well-being of the people of Hawaii, from keiki to kupuna and everyone in between.

SB 774 SD1 HD2 requires the Board of Dentistry to adopt rules for the regulation of dental assistants using certification options based on education level and permitted duties. It requires the Board to report to the Legislature on the progress of any rules adopted. The provisions in this version of SB 774 are a result of the state Legislative Auditor's report which encouraged a tiered regulatory approach. We support this approach while recognizing that there may be costs associated with the Department of Commerce and Consumer Affairs implementing it which are not provided for in this measure.

The results of a 2015 report confirmed that Hawaii's children have the highest prevalence of tooth decay in the United States. The results also demonstrate that the burden of oral disease is significantly greater in certain segments of the population. For example, tooth decay is disproportionately experienced by low-income children, defined as those who are eligible for the National School Lunch Program (NSLP). About 31% of children eligible for NSLP have untreated tooth decay compared to 13% for those not eligible. The disparities gap is even more pronounced when looking at urgent dental needs due to pain and/or infection. The need for urgent dental care is more than five times higher in low-income children compared to their higher-income peers (13% vs. 2% respectively). We continue to support legislation aimed at enhancing and promoting oral health, utilizing the appropriate supervised integration of dental assistants in the dental team.

Mahalo for the opportunity to testify on SB 774, SD1 HD2. Mahalo.

Petition to Submit Testimony in Support of SB774 SD1 HD2

<p>Petition summary and background:</p>	<p>As Registered Dental Hygienists in the state of Hawaii, we SUPPORT SB774 SD1HD2. 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.</p> <p>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 all Dental Assistants should be uniformly trained and/ or certified via the Dental Assisting National Board or another means measurable by the State.</p> <p>Upon completion of uniformly trained and/ or certification, the State can then properly regulate this important profession.</p>
<p>Action petitioned for:</p>	<p>We, the undersigned, are concerned citizens who urge our leaders to act now to Support SB774 SD1 HD2 requesting the Board of Dentistry (with input from HDA, HDHA and other dental-related entities) to adopt rules requiring uniformly trained and/ or 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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