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# A BILL FOR AN ACT

RELATING TO DENTAL HYGIENISTS.

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

1           SECTION 1. The legislature finds that most states are not  
2 providing enough resources to help individuals prevent tooth  
3 decay, which can increase health care costs for many families.  
4 The Centers for Disease Control and Prevention and American  
5 Dental Association cite sealants, clear plastic coatings applied  
6 to the chewing surfaces of molars, as the most effective  
7 preventative strategy in tooth decay. According to the Hawaii  
8 Smiles 2015 report, more than sixty per cent of children do not  
9 have protective sealants. One recommendation suggests  
10 prevention programs, such as school-based oral health programs,  
11 could benefit students and lower rates of tooth decay among  
12 children. Additionally, a 2013 report by the Pew Center,  
13 "Falling Short: Most State Lag on Dental Sealants", graded all  
14 fifty states on their efforts to prevent tooth decay by  
15 improving access to sealants for low-income children. In the  
16 report, states received a grade based on four indicators:  
17 having sealant programs in high-need schools; allowing dental



1 hygienists to place sealants in school-based programs without  
2 requiring a dental exam; collecting data regularly concerning  
3 the dental health of schoolchildren and submitting it to the  
4 national oral health surveillance system; and meeting a national  
5 objective on sealants set by the federal government's Healthy  
6 People 2030 goals.

7 Hawaii was one of only five states to receive a grade of  
8 "F", with a total of one out of eleven possible points. An "F"  
9 grade indicates a state is lagging far behind in prevention  
10 efforts and could be taking grater action to reduce health care  
11 costs and complications associated with dental problems. In a  
12 follow-up report in 2015, some states made improvements or  
13 initiated changes to their oral health programs. However,  
14 Hawaii has not taken action and is now one of three states to  
15 still receive a grade of "F". Research shows that providing  
16 dental sealants through school-based programs is a cost-  
17 effective way to reach low-income children who are at greater  
18 risk of decay.

19 The legislature further finds that school-based dental  
20 sealant programs provide sealants to children least likely to  
21 receive them otherwise. Studies have shown that tooth decay of



1 molars dropped an average of sixty per cent up to five years  
2 after sealant application in a school program. Sealants also  
3 prevent decay at one-third the expense of filling a cavity.  
4 States wishing to establish a school-based sealant program must  
5 also explore potential funding avenues. Some states with  
6 school-based dental sealant programs, such as Ohio, receive  
7 funding through the federal Maternal and Child Health Block  
8 Grant. Other funding possibilities may also be available,  
9 including program-generated revenue through collections from  
10 medicaid. The legislature notes that medicaid currently covers  
11 sealants for eligible recipients in Hawaii.

12       The legislature further finds that the Pew report noted  
13 Hawaii was one of eight states with the most restrictions on  
14 dental hygienists, the primary practitioners who apply sealants  
15 in school-based programs. Removing certain restrictions on  
16 dental hygienists will eliminate expensive barriers to serving  
17 children in school-based sealant programs. To make prevention  
18 of tooth decay amongst Hawaii's children a top priority, the  
19 State must take proactive steps to address this critical health  
20 care need.



1           Accordingly, the purpose of this Act is to permit licensed  
2 dental hygienists to perform preventive dental sealant  
3 screenings and apply preventative dental sealants, in  
4 conjunction with a licensed dentist in a school-based dental  
5 program.

6           SECTION 2. Section 447-3, Hawaii Revised Statutes, is  
7 amended to read as follows:

8           "**§447-3 Employment of and practice by dental hygienists.**

9           (a) Any licensed dentist, legally incorporated eleemosynary  
10 dental dispensary or infirmary, private school, welfare center,  
11 hospital, nursing home, adult day care center or assisted living  
12 facility, mental institution, nonprofit health clinic, or the  
13 State or any county, may employ licensed dental hygienists.

14           (b) Clinical dental hygiene may be practiced by a licensed  
15 dental hygienist. The practice of clinical dental hygiene is  
16 defined as the removal of hard and soft deposits and stains from  
17 the portion of the crown and root surfaces to the depth of the  
18 gingival sulcus, polishing natural and restored surfaces of  
19 teeth, the application of preventive chemical agents to the  
20 coronal surfaces of teeth, which chemical agents have been  
21 approved by the board of dentistry, and the use of mouth washes



1 approved by the board, but shall not include the performing of  
2 any repair work or the preparation thereof, or any other  
3 operation on the teeth or tissues of the mouth; provided that  
4 nothing in this subsection shall prohibit a dental hygienist  
5 from using or applying topically any chemical agent [~~which~~] that  
6 has been approved in writing by the department of health for any  
7 of the purposes set forth in part V of chapter 321, and other  
8 procedures delegated by a dentist in accordance with the rules  
9 of the board of dentistry.

10 In addition, a licensed dental hygienist may administer  
11 intra-oral infiltration local anesthesia and intra-oral block  
12 anesthesia under the supervision of a dentist as provided in  
13 section 447-1(f) after being certified by the board, and for  
14 those categories of intra-oral infiltration local anesthesia and  
15 intra-oral block anesthesia for which the licensed dental  
16 hygienist has been certified through a course of study meeting  
17 the requirements of this chapter.

18 (c) A licensed dental hygienist may operate in the office  
19 of any licensed dentist, or legally incorporated eleemosynary  
20 dental dispensary or infirmary, private school, welfare center,  
21 hospital, nursing home, adult day care center or assisted living



1 facility, mental institution, nonprofit health clinic, or in any  
2 building owned or occupied by the State or any county, but only  
3 under the aforesaid employment and under the direct or general  
4 supervision of a licensed dentist as provided in section  
5 447-1(f). No dental hygienist may establish or operate any  
6 separate care facility [~~which~~] that exclusively renders dental  
7 hygiene services.

8 (d) Notwithstanding section 447-1(f), a licensed dental  
9 hygienist may operate under the supervision of any licensed  
10 dentist providing dental services in a public health setting.  
11 General supervision is permitted in a public health setting;  
12 provided that the supervising licensed dentist is available for  
13 consultation; provided further that a licensed dental hygienist  
14 shall not perform any irreversible procedure or administer any  
15 intra-oral block anesthesia under general supervision. In a  
16 public health setting, the supervising licensed dentist shall be  
17 responsible for all delegated acts and procedures performed by a  
18 licensed dental hygienist. Notwithstanding section 447-1(f), a  
19 licensed dental hygienist under the general supervision of a  
20 licensed dentist employed in a public health setting may perform  
21 dental education, dental screenings, teeth cleanings, intra-oral



1 or extra-oral photographs, x-rays if indicated, and fluoride  
2 applications on individuals who are not yet patients of record,  
3 have not yet been examined by a licensed dentist, or do not have  
4 a treatment plan. Other permissible duties shall be pre-  
5 screened and authorized by a supervising licensed dentist,  
6 subject to the dentist's determination that the equipment and  
7 facilities are appropriate and satisfactory to carry out the  
8 recommended treatment plan. A licensed dental hygienist shall  
9 refer individuals not currently under the care of a dentist and  
10 who are seen in a public health setting to a dental facility for  
11 further dental care. No direct reimbursements shall be provided  
12 to licensed dental hygienists.

13 As used in this subsection, "public health setting"  
14 includes but is not limited to dental services in a legally  
15 incorporated eleemosynary dental dispensary or infirmary,  
16 private or public school, welfare center, community center,  
17 public housing, hospital, nursing home, adult day care center or  
18 assisted living facility, mental institution, nonprofit health  
19 clinic or facility, or the State or any county.

20 (e) Notwithstanding section 447-1(f), a licensed dental  
21 hygienist may perform preventative dental sealant screenings and



1 apply preventative dental sealants on individuals who may or may  
2 not yet be patients of record, have not been previously examined  
3 by a licensed dentist, or do not have a treatment plan  
4 prescribed by a licensed dentist, when under the general  
5 supervision of a licensed dentist in a school-based oral health  
6 program."

7 SECTION 3. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: Michelle D. Kudani





# S.B. NO. 2476

**Report Title:**

Dental Hygienists; Dental Sealants; School-Based Health Program

**Description:**

Authorizes licensed dental hygienists to perform preventative dental sealant screenings and apply dental sealants on individuals, under certain conditions, in a Department of Education school-based oral health program.

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