

ACT 183

H.B. NO. 3209

A Bill for an Act Relating to Dental Hygienists.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 26H-4, Hawaii Revised Statutes, is amended to read as follows:

“§26H-4 **Repeal dates.** (a) The following chapters are hereby repealed effective December 31, 1994:

- [(1)] Chapter 447 (Dental Hygienists)
- (2)] (1) Chapter 457 (Board of Nursing)
- [(3)] (2) Chapter 457A (Nurse Aides)
- [(4)] (3) Chapter 457B (Board of Examiners of Nursing Home Administrators)
- [(5)] (4) Chapter 461 (Board of Pharmacy)
- [(6)] (5) Chapter 468L (Travel Agencies)

(b) The following chapters are hereby repealed effective December 31, 1995:

- (1) Chapter 437 (Motor Vehicle Industry Licensing Board)
- (2) Chapter 437B (Motor Vehicle Repair Industry Board)
- (3) Chapter 440 (Boxing Commission)
- (4) Chapter 445 Part V (Pawnbrokers)
- (5) Chapter 448H (Elevator Mechanics Licensing Board)
- (6) Chapter 451A (Board of Hearing Aid Dealers and Fitters)
- (7) Chapter 453 (Board of Medical Examiners)
- (8) Chapter 463E (Podiatry)

(c) The following chapters and sections are hereby repealed effective December 31, 1996:

- (1) Sections 321-13 to 321-15 (laboratory directors, laboratory technologists, laboratory supervisors, laboratory technicians, and sanitarians)
  - (2) Chapter 321, Part XXX, (Tattoo Artists)
  - (3) Chapter 321, Part XXXI, (Midwives)
  - (4) Sections 431:10A-116(4) and 432:1-605 (Mammogram Screening)
  - (5) Chapter 448F (Electrologists)
  - (6) Chapter 466J (Board of Radiologic Technology)
  - (d) The following chapters are hereby repealed effective December 31, 1997:
    - (1) Chapter 438 (Board of Barbers)
    - (2) Chapter 448 (Board of Dental Examiners)
    - (3) Chapter 455 (Board of Examiners in Naturopathy)
    - (4) Chapter 459 (Board of Examiners in Optometry)
    - (5) Chapter 460J (Pest Control Board)
    - (6) Chapter 462A (Pilotage)
    - (7) Chapter 471 (Board of Veterinary Examiners)
  - (e) The following chapters are hereby repealed effective December 31, 1998:
    - (1) Chapter 373 (Commercial Employment Agencies)
    - (2) Chapter 441 (Cemetery and Funeral Trusts)
    - (3) Chapter 443B (Collection Agencies)
    - (4) Chapter 463 (Board of Private Detectives and Guards)
    - (5) Chapter 468 (Solicitors; Business of Taking Orders)
  - (f) The following chapters are hereby repealed effective December 31, 1999:
    - (1) Chapter 436E (Board of Acupuncture)
    - (2) Chapter 442 (Board of Chiropractic Examiners)
    - (3) Chapter 444 (Contractors License Board)
    - (4) Chapter 448E (Board of Electricians and Plumbers)
    - (5) Chapter 452 (Board of Massage Therapy)
    - (6) Chapter 460 (Board of Osteopathic Examiners)
    - (7) Chapter 461J (Board of Physical Therapy)
    - (8) Chapter 464 (Professional Engineers, Architects, Surveyors and Landscape Architects)
    - (9) Chapter 465 (Board of Psychology)
    - (10) Chapter 468E (Speech Pathology and Audiology)
    - (11) Chapter 514E (Time Sharing Plans)
  - (g) The following chapters are hereby repealed effective December 31, 2000:
    - (1) Chapter 439 (Board of Cosmetology)
    - (2) Chapter 448F (Electrologists)
    - (3) Chapter 454 (Mortgage Brokers and Solicitors)
    - (4) Chapter 454D (Real Estate Collection Servicing Agents)
    - (5) Chapter 466 (Board of Public Accountancy)
    - (6) Chapter 467 (Real Estate Commission)
  - (h) The following chapter is hereby repealed effective December 31, 2001:
    - (1) Chapter 458 (Board of Dispensing Opticians)
- (i) The following chapter is hereby repealed effective December 31, 2004:
- (1) Chapter 447 (Dental Hygienists)"

SECTION 2. Section 447-1, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) If the applicant, in the opinion of the board, successfully passes the examination, the applicant shall be registered and receive a certificate of ability to practice as a dental hygienist in the State. Every registered dental hygienist, before entering practice, shall pay the board a registration fee. On or before December 31 of each odd-numbered year, every registered dental hygienist desiring to begin or continue to practice in the State shall pay to the board a fee for the biennial registration thereof. The failure, neglect, or refusal of any duly licensed dental hygienist to pay the biennial registration fee shall constitute a forfeiture of the license, but the license may be restored upon written application therefor and payment to the board of a restoration fee.

[Every dental hygienist practicing dental hygiene in the State shall furnish the board with the place of employment and the name of the dentist or institution by whom the dental hygienist is employed.]”

SECTION 3. Section 447-3, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Clinical dental hygiene may be practiced by a licensed dental hygienist. The practice of clinical dental hygiene is defined as the removal of hard and soft deposits and stains from the portion of the crown and root surfaces to the depth of the gingival sulcus, polishing natural and restored surfaces of teeth, the application of preventive chemical agents to the coronal surfaces of teeth, which chemical agents have been approved by the board of dental examiners, and the use of mouth washes as are approved by the board, but shall not include the performing of any repair work or the preparation thereof, or any other operation on the teeth or tissues of the mouth; provided that nothing herein shall prohibit a dental hygienist from using or applying topically any chemical agent which has been approved in writing by the department of health for any of the purposes set forth in part V of chapter 321, and other procedures delegated by the dentist in accordance with the rules of the board of dental examiners.

In addition, a licensed dental hygienist may administer intra-oral local anesthesia under the direct supervision of a dentist[.] upon providing documentary proof satisfactory to the board of certification in the administration of this procedure.”

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

“**§448-5 Board of examiners; appointment.** The board of dental examiners shall consist of [eleven] twelve members, eight of whom shall be practicing dentists who have been engaged in the practice of dentistry for a period of five years preceding their several appointments, [one] two of whom shall be [a] practicing dental [hygienist,] hygienists, duly licensed under section 447-1, who [has] have been engaged in the practice of dental hygiene in the State<sup>1</sup> for a period of five years preceding appointment, and two of whom shall be public members. No member shall be in any way connected with, or interested financially in, any dental supply company. One member in the practice of dentistry shall be appointed from each of the counties of Hawaii, Maui, and Kauai and five members in the practice of dentistry shall be appointed from the city and county of Honolulu. As used in this chapter, “board” means the board of dental examiners.”

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SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved June 21, 1994.)

### **Note**

1. "In the State" should be underscored.