

ACT 97

S.B. NO. 2476

A Bill for an Act Relating to Dental Hygienists.

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

SECTION 1. The legislature finds that most states are not providing enough resources to help individuals prevent tooth decay, which can increase health care costs for many families. The Centers for Disease Control and Prevention and American Dental Association cite sealants, clear plastic coatings applied to the chewing surfaces of molars, as the most effective preventive strategy in tooth decay. According to the Hawaii Smiles 2015 report, more than sixty per cent of children do not have protective sealants. One recommendation suggests prevention programs, such as school-based oral health programs, could benefit students and lower rates of tooth decay among children. Additionally, a 2013 report by the Pew Center, "Falling Short: Most State Lag on Dental Sealants", graded all fifty states on their efforts to prevent tooth decay by improving access to sealants for low-income children. In the report, states received a grade based on four indicators: having sealant programs in high-need schools; allowing dental hygienists to place sealants in school-based programs without requiring a dental exam; collecting data regularly concerning the dental health of school-children and submitting it to the national oral health surveillance system; and meeting a national objective on sealants set by the federal government's Healthy People 2030 goals.

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

The legislature further finds that school-based dental sealant programs provide sealants to children least likely to receive them otherwise. Studies have shown that tooth decay of molars dropped an average of sixty per cent up to five years after sealant application in a school program. Sealants also prevent decay at one-third the expense of filling a cavity. States wishing to establish a school-based sealant program must also explore potential funding avenues. Some states with school-based dental sealant programs, such as Ohio, receive funding through the federal Maternal and Child Health Block Grant. Other funding possibilities may also be available, including program-generated revenue through collections from medicaid. The legislature also notes that medicaid currently covers sealants for eligible recipients in Hawaii.

The legislature further finds that the Pew report noted Hawaii was one of eight states with the most restrictions on dental hygienists, the primary practitioners who apply sealants in school-based programs. Removing certain restrictions on dental hygienists will eliminate expensive barriers to serving children

in school-based sealant programs. To make prevention of tooth decay amongst Hawaii's children a top priority, the State must take proactive steps to address this critical health care need.

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

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

“§447-3 Employment of and practice by dental hygienists. (a) Any licensed dentist, legally incorporated eleemosynary dental dispensary or infirmary, private school, welfare center, hospital, nursing home, adult day care center or assisted living facility, mental institution, nonprofit health clinic, or the State or any county, may employ licensed dental hygienists.

(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 dentistry, and the use of mouth washes 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 in this subsection shall prohibit a dental hygienist from using or applying topically any chemical agent ~~[which]~~ that 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 a dentist in accordance with the rules of the board of dentistry.

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

(c) A licensed dental hygienist may operate in the office of any licensed dentist, or legally incorporated eleemosynary dental dispensary or infirmary, private school, welfare center, hospital, nursing home, adult day care center or assisted living facility, mental institution, nonprofit health clinic, or in any building owned or occupied by the State or any county, but only under the aforesaid employment and under the direct or general supervision of a licensed dentist as provided in section 447-1(f). No dental hygienist may establish or operate any separate care facility ~~[which]~~ that exclusively renders dental hygiene services.

(d) Notwithstanding section 447-1(f), a licensed dental hygienist may operate under the supervision of any licensed dentist providing dental services in a public health setting. General supervision is permitted in a public health setting; provided that the supervising licensed dentist is available for consultation; provided further that a licensed dental hygienist shall not perform any irreversible procedure or administer any intra-oral block anesthesia under general supervision. In a public health setting, the supervising licensed dentist shall be responsible for all delegated acts and procedures performed by a licensed dental hygienist. Notwithstanding section 447-1(f), a licensed dental hygienist under the general supervision of a licensed dentist employed in a public health setting may perform dental education, dental screenings, teeth cleanings, intra-oral or extra-oral photographs, x-rays if indicated, and fluoride applications on individuals who are not yet patients of record, have not yet been examined by a licensed

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dentist, or do not have a treatment plan. Other permissible duties shall be pre-screened and authorized by a supervising licensed dentist, subject to the dentist's determination that the equipment and facilities are appropriate and satisfactory to carry out the recommended treatment plan. A licensed dental hygienist shall refer individuals not currently under the care of a dentist and who are seen in a public health setting to a dental facility for further dental care. No direct reimbursements shall be provided to licensed dental hygienists.

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

(e) Notwithstanding section 447-1(f), a licensed dental hygienist may perform preventive dental sealant screenings and apply preventive dental sealants on individuals who may or may not yet be patients of record, have not been previously examined by a licensed dentist, or do not have a treatment plan prescribed by a licensed dentist, when under the general supervision of a licensed dentist in a school-based oral health program."

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

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

(Approved June 27, 2024.)