A BILL FOR AN ACT

RELATING TO DENTAL ASSISTANTS.

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

1	PART 1		
2	SECTION 1. The legislature finds that existing law permits		
3	duly licensed and registered dentists to employ auxiliary		
4	personnel, known as dental assistants, to assist a dentist in		
5	the dentist's practice. Like dental hygienists, dental		
6	assistants are a valuable part of a dental team. However,		
7	dental assistants are not currently licensed or certified in		
8	Hawaii and are not required to meet the same stringent standards		
9	of training and care as licensed dental hygienists. The		
10	legislature notes that some concerns have been raised over		
11	proposed expansion by rule of the duties of a dental assistant		
12	and whether those duties would overlap with duties currently		
13	within the scope of practice for licensed dental hygienists.		
14	The legislature additionally finds that it is important for		
15	those in the field of dentistry to be aware of and adhere to		
16	legislatively determined parameters regarding the duty and scope		
17	of practice for licensed dental hygienists. It is also		

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- 1 important that unlicensed persons do not infringe upon any
- 2 licensed profession's scope of practice. The legislature also
- 3 finds that training and education for dental assistants are
- 4 important. However, it is not appropriate for unlicensed
- 5 auxiliary personnel to be expected or required to perform
- 6 duties, activities, or functions that, if performed by a dental
- 7 hygienist, would require licensure.
- 8 The legislature's intent is to make clear that if the board
- 9 of dental examiners wishes to amend the scope of practice for
- 10 licensed professionals or auxiliary personnel under the board's
- 11 purview, then the board must approach the legislature, so such a
- 12 change can be made in statute.
- 13 Accordingly, the purpose of this part is to clarify the
- 14 allowable and prohibited practices for dental assistants.
- 15 SECTION 2. Section 448-3, Hawaii Revised Statutes, is
- 16 amended by amending subsection (b) to read as follows:
- "(b) A duly licensed and registered dentist may employ
- 18 auxiliary personnel, other than registered dental hygienists, to
- 19 assist the dentist in executing the dentist's practice of
- 20 dentistry. These employees shall be known as dental assistants
- 21 and shall perform all duties assigned to them under the

- 1 supervision, direction, and responsibility of the dentist.
- 2 [Duties] Additional duties of the dental assistant and
- 3 regulatory directives [shall] may be delineated under rules
- 4 which the board of dental examiners may from time to time
- 5 adopt[-]; provided that the rules shall not infringe upon,
- 6 overlap with, or conflict with the duties and scope of practice
- 7 for any other licensed professional. No person shall employ,
- 8 direct, or otherwise order a dental assistant or other person to
- 9 perform services or procedures within the scope of practice of
- 10 dental hygiene as provided in chapter 447, unless the person who
- 11 performs the services or procedures is a licensed dental
- 12 hygienist under section 447-1."
- 13 PART II
- 14 SECTION 3. The legislature finds that thirty-eight states
- 15 and the District of Columbia require some form of certification
- 16 or licensure for dental assistants. However, dental assistants
- 17 are not currently required to be certified or otherwise
- 18 regulated in Hawaii. The legislature notes that the University
- 19 of Hawaii, Kapiolani community college offers a dental assistant
- 20 certification program, accredited by the Commission on Dental
- 21 Accreditation of the American Dental Association. Furthermore,

- 1 Kapiolani community college's dental assisting program offers
- 2 pathways to certification as a certified dental assistant via
- 3 passage of an examination offered by the Dental Assisting
- 4 National Board, Inc.
- 5 Accordingly, the purpose of this part is to require the
- 6 auditor to conduct a sunrise analysis on the effects of
- 7 regulation of dental assistants in the State via the
- 8 certification options for dental assistants offered by Kapiolani
- 9 community college's dental assisting program.
- 10 SECTION 4. (a) Notwithstanding any other law, the auditor
- 11 shall conduct a sunrise analysis on the effects of regulation of
- 12 dental assistants in the State via the certification
- 13 requirements for dental assistants offered by the University of
- 14 Hawaii Kapiolani community college's dental assisting program.
- 15 (b) The auditor shall examine the following pathways to
- 16 certification for dental assistants:
- 17 (1) Successful completion of the certificate of
- achievement in dental assisting program at Kapiolani
- 19 Community College and successful completion of the
- 20 certified dental assistant examination offered by the
- 21 Dental Assisting National Board, Inc.; and

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1	(2)	Successful completion of the certificate of competence
2		in dental assisting from Kapiolani community college,
3		plus employer-verified proof of more than 3,500 hours
4		of employment as a dental assistant, and successful
5		completion of the certified dental assistant
6		examination offered by the Dental Assisting National
7		Board, Inc.
8	(c)	The auditor shall submit a report of findings and
9	recommend	ations, including any proposed legislation, to the
10	legislatu	re no later than twenty days prior to the convening of
11	the regul	ar session of 2018.
12		PART III
13	SECT	ION 5. This Act does not affect rights and duties that
14	matured,	penalties that were incurred, and proceedings that were
15	begun bef	ore its effective date.
16	SECT	ION 6. Statutory material to be repealed is bracketed
17	and stric	ken. New statutory material is underscored.
18	SECT	ION 7. This Act shall take effect on July 1, 2017.
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Report Title:

Dental Assistants; Dental Hygienists; Licensing; Certification; Scope of Practice; Auditor

Description:

Clarifies the allowable and prohibited practices requirements for dental assistants. Clarifies that rules shall not infringe upon, overlap with, or conflict with the duties and scope of practice for other licensed professionals. Prohibits persons from employing, directing, or ordering a dental assistant or other person to perform services or procedures within the scope of practice of dental hygiene. Requires the auditor to conduct a study on the effects of regulation of dental assistants in the State via the certification requirements for dental assistants offered by Kapiolani community college. (SD1)

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