

---

---

# A BILL FOR AN ACT

RELATING TO DENTAL ASSISTANTS.

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

1           SECTION 1. The legislature finds that existing law permits  
2           duly licensed and registered dentists to employ auxiliary  
3           personnel, known as dental assistants, to assist a dentist in  
4           the dentist's practice. Like dental hygienists, dental  
5           assistants are a valuable part of a dental team. However,  
6           dental assistants are not currently licensed or certified in  
7           Hawaii and are not required to meet the same stringent standards  
8           of training and care as licensed dental hygienists. The  
9           legislature notes that some concerns have been raised over  
10          proposed expansion by rule of the duties of a dental assistant  
11          and whether those duties would overlap with duties currently  
12          within the scope of practice for licensed dental hygienists.

13          The legislature additionally finds that it is important for  
14          those in the field of dentistry to be aware of and adhere to  
15          legislatively determined parameters regarding duty and scope of  
16          practice for licensed dental hygienists. It is also important  
17          that unlicensed persons do not infringe upon a particular



1 licensed profession's scope of practice. The legislature also  
2 finds that training and education for dental assistants are  
3 important. However, it is not appropriate for unlicensed  
4 auxiliary personnel to be expected or required to perform  
5 duties, activities, or functions that, if performed by a dental  
6 hygienist, would require licensure.

7 Accordingly, the purpose of this Act is to clarify the  
8 allowable and prohibited practices and training requirements for  
9 dental assistants.

10 SECTION 2. Section 448-3, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 **"§448-3 Practice by unlicensed employee prohibited;**  
13 **penalty.** (a) Except as provided in section 447-3, no person  
14 who manages or conducts as manager, proprietor, conductor, or  
15 otherwise a place where dental operations are performed[7] shall  
16 employ any person as operator in dental surgery or as a  
17 practitioner, or cause to permit any person to so act, who is  
18 not duly licensed to practice dentistry; provided that nothing  
19 in this chapter shall prohibit any unlicensed person from  
20 performing merely mechanical work upon inert matter in a dental  
21 laboratory.



1 (b) A duly licensed and registered dentist may employ  
2 auxiliary personnel, other than registered dental hygienists, to  
3 assist the dentist in executing the dentist's practice of  
4 dentistry. These employees shall be known as dental assistants  
5 and shall perform all duties assigned to them under the  
6 supervision, direction, and responsibility of the dentist.  
7 [Duties] Additional duties of the dental assistant and  
8 regulatory directives [shall] may be delineated under rules  
9 which the board of dental examiners may from time to time  
10 adopt[-]; provided that the rules shall not infringe upon or  
11 overlap or conflict with the duties and scope of practice for  
12 licensed dental hygienists under chapter 447.

13 (c) A dental assistant may perform the following  
14 supportive dental procedures under the direct supervision,  
15 direction, evaluation, and responsibility of a licensed dentist:

16 (1) Assisting a licensed dentist who is actually  
17 performing a dental procedure on a patient, including:

18 (A) Preparing procedural trays or armamentaria set-  
19 ups;



1           (B) Retracting a patient's oral tissues to maintain  
2           the field of operation during the dental  
3           procedure;

4           (C) Removing debris, as is normally created and  
5           accumulated during or after operative procedures  
6           by the dentist;

7           (D) Placing and removing the rubber dam;

8           (E) Mixing dental materials; and

9           (F) Transferring dental instruments or any other  
10          concept of four-handed dentistry the dentist  
11          requires to perform the procedure;

12          (2) Assisting a licensed dental hygienist in the  
13          performance of the duties of the dental hygienist;  
14          provided that the assistance shall not include  
15          procedures, activities, or duties that dental  
16          assistants are prohibited from performing under this  
17          section; provided further that the assistance shall  
18          not include procedures, activities, or duties that are  
19          within the scope of practice of a licensed dental  
20          hygienist pursuant to chapter 447;



- 1        (3) Collecting medical and dental histories, taking intra-  
2        oral and extra-oral photographs, and recording or  
3        charting clinical findings as dictated by a licensed  
4        dentist or licensed dental hygienist;
- 5        (4) Completing prescription and authorization forms for  
6        drugs or restorative, prosthodontic, or orthodontic  
7        appliances for the supervising licensed dentist;  
8        provided that the licensed dentist shall sign the  
9        forms;
- 10       (5) Conducting mouth mirror supragingival inspections and  
11       reporting observations to the supervising licensed  
12       dentist; provided that the inspection and reporting  
13       observations shall not be interpreted as an oral  
14       cancer screening;
- 15       (6) Exposing, processing, mounting, and labeling  
16       radiographs;
- 17       (7) Making impressions for study casts, opposing models,  
18       occlusal appliances such as splints and bite guards,  
19       mouth guards, orthodontic retainers, and medicament  
20       trays;



- 1        (8) Making intra-oral measurements for orthodontic
- 2        procedures; performing the preliminary selection and
- 3        sizing of bands; checking for loose bands and bonded
- 4        brackets; placing and removing orthodontic separators,
- 5        ligature ties, and inter-arch elastics, including
- 6        chain elastics and rubber bands; fitting and removing
- 7        head appliances; and removing arch wires;
- 8        (9) Measuring and recording vital signs;
- 9        (10) Monitoring the nitrous oxide/oxygen unit and reporting
- 10       to the supervising dentist any adverse observations;
- 11       provided that the licensed dentist shall evaluate,
- 12       initiate, and administer the sedation;
- 13       (11) Placing matrix retainers;
- 14       (12) Placing non-aerosol topical anesthetics;
- 15       (13) Relating preoperative and postoperative instructions
- 16       and patient education in oral hygiene as instructed by
- 17       the supervising licensed dentist or licensed dental
- 18       hygienist;
- 19       (14) Removing dressing and sutures;
- 20       (15) Removing excess supragingival cement after a licensed
- 21       dentist has placed a permanent or temporary prosthetic



1           restoration, an appliance, or orthodontic bands with  
2           hand instruments; and

3           (16) Performing a try-in with any removable prosthetic or  
4           orthodontic appliance; provided that the supervising  
5           licensed dentist shall make the adjustments.

6           (d) Dental assistants shall be appropriately trained in  
7           the following:

8           (1) Proper sterilization and disinfection procedures that  
9           meet the guidelines of:

10           (A) The United States Department of Labor  
11           Occupational Safety and Health Administration  
12           blood borne pathogen standard;

13           (B) The department of labor and industrial relations  
14           occupational safety and health division  
15           bloodborne pathogen standard;

16           (C) The federal Centers for Disease Control and  
17           Prevention guidelines; and

18           (D) The American Dental Association clinical practice  
19           guidelines;

20           (2) Ethics;

21           (3) Proper recordkeeping and patient confidentiality; and



- 1           (4) Cardiopulmonary resuscitation.
- 2           The training required pursuant to this section may be  
3 provided by programs that are approved or accredited by the  
4 board or by a licensed dentist; provided that a dentist who  
5 chooses to train the dentist's auxiliary personnel shall first  
6 complete a continuing education program on how to provide  
7 training to auxiliary personnel.
- 8           (e) Dental assistants shall not perform any activity that  
9 is deemed to be irreversible so as to cause change in the  
10 affected hard or soft tissues and is permanent, may require  
11 reconstructive or corrective procedures, represents the practice  
12 of dentistry or dental hygiene, or requires the knowledge,  
13 skill, and training of a licensed dentist or licensed dental  
14 hygienist, including the following intra-oral functions:
- 15           (1) Administering local anesthetic, sedation, or general  
16           anesthesia;
- 17           (2) Cementing, bonding, or adjusting any part of a  
18           prosthesis or appliance worn in the mouth;
- 19           (3) Cementing or re-cementing, finishing margins,  
20           performing a try-in, or adjusting the occlusion of any



- 1           temporary or permanent fixed prosthetic restoration,
- 2           or placing cement bases;
- 3       (4) Cementing bands and brackets or activating any
- 4           orthodontic appliance;
- 5       (5) Establishing occlusal vertical dimension, making bite
- 6           registrations, or making face-bow transfers;
- 7       (6) Examining, diagnosing, or prescribing a treatment
- 8           plan;
- 9       (7) Making final impressions that would lead to the
- 10           fabrication of any appliance or prosthesis that, when
- 11           worn by the patient, would come in direct contact with
- 12           hard or soft tissues; provided that this paragraph
- 13           shall not apply to the making of impressions for study
- 14           casts, opposing models, occlusal appliances, mouth
- 15           guards, orthodontic retainers, or medicament trays;
- 16       (8) Performing any endodontic procedure to ream, file,
- 17           irrigate, medicate, dry, try-in cores, or fill root
- 18           canals, or to establish the length of the tooth;
- 19       (9) Performing any surgical or cutting procedures on hard
- 20           or soft tissues, extracting teeth, or suturing;



- 1        (10) Placing, condensing, carving, finishing, or adjusting
- 2        the occlusion of final restorations; or placing cavity
- 3        liners, medicaments, or pulp cap materials;
- 4        (11) Placing materials subgingivally, such as prescriptive
- 5        medicaments, retraction cords, and other devices that
- 6        are used for tissue displacement;
- 7        (12) Prescribing medications or authorizing the fabrication
- 8        of any restorative, prosthodontic, or orthodontic
- 9        appliances;
- 10       (13) Testing pulp vitality;
- 11       (14) Using ultrasonic instruments and polishing natural or
- 12       restored surfaces of teeth;
- 13       (15) Removing hard and soft deposits and stains from the
- 14       portion of the crown and root surfaces to the depth of
- 15       the gingival sulcus; and
- 16       (16) Applying preventive chemical agents to the coronal
- 17       surfaces of teeth.

18       [~~e~~] (f) Any person violating this section shall be fined  
19 not less than \$100 nor more than \$1,000 for the first violation.  
20 Any person violating this section a second time shall be fined



# H.B. NO. 525

1 not less than \$500 nor more than \$2,000 and, in addition to the  
2 fine, the person's license shall be revoked."

3 SECTION 3. This Act does not affect rights and duties that  
4 matured, penalties that were incurred, and proceedings that were  
5 begun before its effective date.

6 SECTION 4. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect on July 1, 2017.

9

INTRODUCED BY:                     *Ann R. Schmitt*                    

                    *Blake*                    

                    *Cindy Evans*                    

                    *[Signature]*                    

JAN 20 2017



# H.B. NO. 565

**Report Title:**

Dental Assistants; Licensing; Training

**Description:**

Clarifies the allowable and prohibited practices and training requirements for dental assistants.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

