



1 these numbers, one dentist board member represents one hundred  
2 eighty-nine licensed dentists, while one dental hygienist board  
3 member represents five hundred twenty-six licensed dental  
4 hygienists.

5 Like the eight dentist members on the board, the two dental  
6 hygienist members are practicing professionals and must arrange  
7 for time off, often as unpaid leave, to fulfill their increasing  
8 duties. It is challenging for the two dental hygienist members  
9 to carry out their growing responsibilities, which includes  
10 providing dental hygienist expertise and perspective, as  
11 compared to the eight dentists sharing board member tasks.

12 The legislature finds that dental hygiene is one of the few  
13 health professions that is generally controlled by another  
14 profession. Due to the significantly higher representation of  
15 dentists on the board, the dental hygienists' contributions and  
16 guidance are often not reflected in the board's actions. A 1993  
17 state auditor's report noted that adequate representation for  
18 dental hygienists was particularly important, "since the  
19 interests of [dental hygienists] may conflict with and be  
20 outweighed by those of dentists."

21 Accordingly, the purpose of this part is to:



1 (1) Update the name of the board of dental examiners to  
2 the board of dentistry and dental hygiene, which more  
3 accurately reflects the board's scope; and

4 (2) Beginning on July 1, 2018, increase the board  
5 membership to fifteen members and apportion the dental  
6 hygienist representation among Oahu and neighbor  
7 island residents.

8 SECTION 2. Section 448-5, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "§448-5 Board of [~~examiners,~~] dentistry and dental  
11 hygiene; appointment. The board of [~~dental-examiners~~] dentistry  
12 and dental hygiene shall consist of twelve members, eight of  
13 whom shall be practicing dentists who have been engaged in the  
14 practice of dentistry for a period of five years preceding their  
15 several appointments, two of whom shall be practicing dental  
16 hygienists, duly licensed under section 447-1, who have been  
17 engaged in the practice of dental hygiene in the State for a  
18 period of five years preceding appointment, and two of whom  
19 shall be public members. No member shall be in any way  
20 connected with, or interested financially in, any dental supply  
21 company. One member in the practice of dentistry shall be



1 appointed from each of the counties of Hawaii, Maui, and Kauai  
2 and five members in the practice of dentistry shall be appointed  
3 from the city and county of Honolulu. As used in this chapter,  
4 "board" means the board of [~~dental examiners.~~] dentistry and  
5 dental hygiene."

6 SECTION 3. Section 448-5, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 "§448-5 Board of [~~examiners,~~] dentistry and dental  
9 hygiene; appointment. The board of [~~dental examiners~~] dentistry  
10 and dental hygiene shall consist of [~~twelve~~] fifteen members,  
11 eight of whom shall be practicing dentists who have been engaged  
12 in the practice of dentistry for a period of five years  
13 preceding their several appointments, [~~two~~] five of whom shall  
14 be practicing dental hygienists, duly licensed under section  
15 447-1, and who have been engaged in the practice of dental  
16 hygiene in the State for a period of five years preceding  
17 appointment, and two of whom shall be public members. A  
18 background in public health dentistry is a desirable  
19 qualification, but not a requirement, for at least one member of  
20 the board who is a practicing dentist. Of the members who are  
21 practicing dental hygienists, three shall be residents of Oahu,



1 and two shall be residents of neighbor islands. No member shall  
2 be in any way connected with, or interested financially in, any  
3 dental supply company. One member in the practice of dentistry  
4 shall be appointed from each of the counties of Hawaii, Maui,  
5 and Kauai and five members in the practice of dentistry shall be  
6 appointed from the city and county of Honolulu. As used in this  
7 chapter, "board" means the board of [~~dental examiners.~~]  
8 dentistry and dental hygiene."

9 SECTION 4. Sections 26-9, 423-1, 447-1(a), 447-1.5, 447-2,  
10 447-3, 447-3.5, 447-4, 447-6, 447-7, 448-1.5, 448-2, 448-3,  
11 448-7, 448-9.6, 448-11, 448-12, 448-13, 448-16, 448-16.5,  
12 448-22, 448-23, and 451D-2, Hawaii Revised Statutes, are amended  
13 by substituting the words "board of dentistry and dental  
14 hygiene", or similar term, wherever the words "board of dental  
15 examiners", or similar term, appears, as the context requires.

16 **PART II**

17 SECTION 5. The legislature finds that existing law permits  
18 duly licensed and registered dentists to employ auxiliary  
19 personnel, known as dental assistants, to assist a dentist in  
20 the dentist's practice. Like dental hygienists, dental  
21 assistants are a valuable part of a dental team. However,



1 dental assistants are not currently licensed or certified in  
2 Hawaii and are not required to meet the same stringent standards  
3 of training and care as licensed dental hygienists. The  
4 legislature notes that some concerns have been raised over  
5 proposed expansion by rule of the duties of a dental assistant  
6 and whether those duties would overlap with duties currently  
7 within the scope of practice for licensed dental hygienists.

8 The legislature additionally finds that it is important for  
9 those in the field of dentistry to be aware of and adhere to  
10 legislatively determined parameters regarding the duty and scope  
11 of practice for licensed dental hygienists. It is also  
12 important that unlicensed persons do not infringe upon any  
13 licensed profession's scope of practice. The legislature also  
14 finds that training and education for dental assistants are  
15 important. However, it is not appropriate for unlicensed  
16 auxiliary personnel to be expected or required to perform  
17 duties, activities, or functions that, if performed by a dental  
18 hygienist, would require licensure.

19 The legislature's intent is to make clear that if the board  
20 of dental examiners wishes to amend the scope of practice for  
21 licensed professionals or auxiliary personnel under the board's



1 purview, then the board must approach the legislature, so such a  
2 change can be made in statute.

3 Accordingly, the purpose of this part is to clarify the  
4 allowable and prohibited practices for dental assistants.

5 SECTION 6. Section 448-3, Hawaii Revised Statutes, is  
6 amended by amending subsection (b) to read as follows:

7 "(b) A duly licensed and registered dentist may employ  
8 auxiliary personnel, other than registered dental hygienists, to  
9 assist the dentist in executing the dentist's practice of  
10 dentistry. These employees shall be known as dental assistants  
11 and shall perform all duties assigned to them under the  
12 supervision, direction, and responsibility of the dentist.  
13 [Duties] Additional duties of the dental assistant and  
14 regulatory directives [shall] may be delineated under rules  
15 which the board of dental examiners may from time to time  
16 adopt[-]; provided that the rules shall not infringe upon,  
17 overlap with, or conflict with the duties and scope of practice  
18 for any licensed professional. No person shall employ, direct,  
19 or otherwise order a dental assistant or other person to perform  
20 services or procedures within the scope of practice of dental  
21 hygiene as provided in chapter 447, unless the person who



1 performs the services or procedures is a licensed dental  
2 hygienist under section 447-1."

3 **PART III**

4 SECTION 7. This Act does not affect rights and duties that  
5 matured, penalties that were incurred, and proceedings that were  
6 begun before its effective date.

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

9 SECTION 9. This Act shall take effect on July 1, 2050;  
10 provided that section 3 of this Act shall take effect on July 1,  
11 2018.



**Report Title:**

Board of Dentistry and Dental Hygiene; Dentists; Dental Hygienists; Dental Assistants; Scope of Practice

**Description:**

Part I: changes the name of the board of dental examiners to the board of dentistry and dental hygiene; beginning on 7/1/2018, changes the board composition by increasing dental hygienist representation and ensuring Oahu and neighbor island representation among dental hygienist members. Part II: 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 licensed professionals; and 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. Effective 7/1/2050. (SD1)

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

