



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 the current law  
18 requiring passage of the American Board of Dental Examiners  
19 (ADEX) examination for licensure as a dentist in the State was  
20 originally enacted to allow Hawaii to participate in a  
21 standardized national examination process. The first ADEX



1 dental examination was administered in Hawaii in December 2005.  
2 However, since that time, limiting the approved examination to  
3 only the ADEX examination has created many difficulties for  
4 dentists seeking to obtain licensure in Hawaii. For example,  
5 experienced, qualified, and competent dentists who have been  
6 practicing licensed dentistry in other states prior to 2005 and  
7 who desire to relocate and practice dentistry in Hawaii have  
8 been unable to do so because they did not take and pass the ADEX  
9 examination.

10       Permitting successful passage of other nationally  
11 recognized clinical dental examinations recommended by the  
12 American Dental Association or meeting certain professional  
13 qualifications as part of the licensure process will allow more  
14 dentists, whose professional competency has been clearly  
15 demonstrated in other states, to practice within the State,  
16 thereby increasing access to dental services for Hawaii  
17 residents.

18       The purpose of this part is to increase access to high-  
19 quality dental care in the State by allowing the board of dental  
20 examiners to accept other nationally recognized clinical dental  
21 examinations recommended by the American Dental Association or



1 certain professional qualifications to meet licensure  
2 requirements.

3 SECTION 6. Section 448-9.4, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "§448-9.4 [~~American Board of Dental Examiners (ADEX)~~  
6 ~~examination; regional examinations.] Dental licensure  
7 examination; other licensing qualifications. An applicant shall  
8 [~~take~~]:~~

- 9 (1) Take and pass the ADEX examination[~~, and neither the~~  
10 ~~state examination nor any regional examination shall~~  
11 ~~be accepted.] or any other nationally recognized  
12 clinical dental examination recommended by the  
13 American Dental Association; or~~
- 14 (2) Be a practicing dentist who:
- 15 (A) Graduated from an accredited school of dentistry;  
16 (B) Holds a license to practice dentistry in another  
17 state whose licensing requirements include  
18 passage of the ADEX examination, its predecessor  
19 examination, or another nationally recognized,  
20 substantially equivalent examination recommended  
21 by the American Dental Association;





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

17 "(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 licensed professional. No person shall employ, direct,  
8 or otherwise order a dental assistant or other person to perform  
9 services or procedures within the scope of practice of dental  
10 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 IV**

14 SECTION 9. This Act does not affect rights and duties that  
15 matured, penalties that were incurred, and proceedings that were  
16 begun before its effective date.

17 SECTION 10. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 11. This Act shall take effect on July 1, 2017;  
20 provided that section 3 of this Act shall take effect on July 1,  
21 2018.



**Report Title:**

Board of Dentistry and Dental Hygiene; Dentists; Dental Hygienists; Dental Licensure; Examination; Qualifications; 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: expands the required qualifications that applicants may fulfill as part of the requirements for dental licensure to include passage of any other nationally recognized clinical dental examination recommended by the American Dental Association and dental licensure in another state; provided that the applicant meets specific qualifications. Part III: 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. (Proposed SD1)

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

