

JAN 20 2017

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 for dental assistants.

9 SECTION 2. Section 448-3, Hawaii Revised Statutes, is
10 amended by amending subsection (b) to read as follows:

11 "(b) A duly licensed and registered dentist may employ
12 auxiliary personnel, other than registered dental hygienists, to
13 assist the dentist in executing the dentist's practice of
14 dentistry. These employees shall be known as dental assistants
15 and shall perform all duties assigned to them under the
16 supervision, direction, and responsibility of the dentist.
17 [~~Duties~~] Additional duties of the dental assistant and
18 regulatory directives [~~shall~~] may be delineated under rules
19 which the board of dental examiners may from time to time
20 adopt [~~-~~]; provided that the rules shall not infringe upon or
21 overlap or conflict with the duties and scope of practice for



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1 licensed dental hygienists under chapter 447. No person shall
 2 employ, direct, or otherwise order a dental assistant or other
 3 person to perform services or procedures within the scope of
 4 practice of dental hygiene as provided in chapter 447, unless
 5 the person who performs the services or procedures is a licensed
 6 dental hygienist under section 447-1."

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

10 SECTION 4. Statutory material to be repealed is bracketed
 11 and stricken. New statutory material is underscored.

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

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Report Title:

Dental Hygienists; Dental Assistants; Licensing

Description:

Clarifies the allowable and prohibited practices requirements for dental assistants. Prohibits the ordering of a person without a dental hygienist license to perform services or procedures within the scope of practice of dental hygiene.

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