
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 The legislature's intent is to make clear that if the board
8 of dental examiners wishes to amend the scope of practice for
9 licensed professionals or auxiliary personnel under the board's
10 purview, then the board must approach the legislature, so such a
11 change can be made in statute.

12 Accordingly, the purpose of this Act is to clarify the
13 allowable and prohibited practices for dental assistants.

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

16 "(b) A duly licensed and registered dentist may employ
17 auxiliary personnel, other than registered dental hygienists, to
18 assist the dentist in executing the dentist's practice of
19 dentistry. These employees shall be known as dental assistants
20 and shall perform all duties assigned to them under the
21 supervision, direction, and responsibility of the dentist.



1 ~~[Duties]~~ Additional duties of the dental assistant and
2 regulatory directives ~~[shall]~~ may be delineated under rules
3 which the board of dental examiners may from time to time
4 adopt~~[-]~~; provided that the rules shall not infringe upon,
5 overlap with, or conflict with the duties and scope of practice
6 for any other licensed professional. No person shall employ,
7 direct, or otherwise order a dental assistant or other person to
8 perform services or procedures within the scope of practice of
9 dental hygiene as provided in chapter 447, unless the person who
10 performs the services or procedures is a licensed dental
11 hygienist under section 447-1."

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

15 SECTION 4. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

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

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Report Title:

Dental Hygienists; Dental Assistants; Licensing; Scope of Practice

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. (SD1)

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