

JAN 20 2017

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# A BILL FOR AN ACT

RELATING TO THE BOARD OF DENTISTRY AND DENTAL HYGIENE.

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

1           SECTION 1. The legislature finds that the name "board of  
2 dental examiners" is no longer an accurate description of the  
3 board's scope and function. The legislature finds that the name  
4 "board of dentistry and dental hygiene" is more appropriate  
5 since the board regulates dentists and dental hygienists within  
6 the State. Furthermore, the board no longer exists merely for  
7 purposes related to conducting licensing exams. The board now  
8 has additional responsibilities to regulate its members and the  
9 profession.

10           The legislature further finds that there are currently  
11 twelve members on the board. Eight of these members are  
12 practicing dentists, while only two members are dental  
13 hygienists. As of April 13, 2015, there were 1,512 dentists and  
14 1,052 dental hygienists licensed by the State. According to  
15 these numbers, one dentist board member represents one hundred  
16 eighty-nine licensed dentists, while one dental hygienist board



1 member represents five hundred twenty-six licensed dental  
2 hygienists.

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

10 The legislature finds that dental hygiene is one of the few  
11 health professions that is generally controlled by another  
12 profession. Due to the significantly higher representation of  
13 dentists on the board, the dental hygienists' contributions and  
14 guidance are often not reflected in the board's actions. A 1993  
15 state auditor's report noted concern with the board's failure to  
16 implement its earlier recommendation to create a "better  
17 balanced board since the interests of dental hygienists may  
18 conflict with and be outweighed by those of dentists."

19 The purpose of this Act 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;
- 4 (2) Require the board to develop and report on the status  
5 of a conflict of interest policy regarding board  
6 member participation with certain dental examination  
7 companies;
- 8 (3) Authorize board members who are residents of neighbor  
9 islands to attend board meetings via teleconference;  
10 and
- 11 (4) Beginning on July 1, 2018, increase the board  
12 membership to fifteen members, apportion the dental  
13 hygienist representation among Oahu and neighbor  
14 island residents, and require at least one dentist  
15 board member to have a public health dentistry  
16 background.

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

19 "§448-5 Board of ~~[examiners,]~~ dentistry and dental  
20 hygiene; appointment. The board of ~~[dental examiners]~~ dentistry  
21 and dental hygiene shall consist of twelve members, eight of



1 whom shall be practicing dentists who have been engaged in the  
2 practice of dentistry for a period of five years preceding their  
3 several appointments, two of whom shall be practicing dental  
4 hygienists, duly licensed under section 447-1, who have been  
5 engaged in the practice of dental hygiene in the State for a  
6 period of five years preceding appointment, and two of whom  
7 shall be public members. No member shall be in any way  
8 connected with, or interested financially in, any dental supply  
9 company. One member in the practice of dentistry shall be  
10 appointed from each of the counties of Hawaii, Maui, and Kauai  
11 and five members in the practice of dentistry shall be appointed  
12 from the city and county of Honolulu. As used in this chapter,  
13 "board" means the board of [~~dental-examiners-~~] dentistry and  
14 dental hygiene."

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

17 "~~§448-5 Board of [examiners,]~~ dentistry and dental  
18 hygiene; appointment. The board of [~~dental-examiners]~~ dentistry  
19 and dental hygiene shall consist of [~~twelve]~~ fifteen members,  
20 eight of whom shall be practicing dentists who have been engaged  
21 in the practice of dentistry for a period of five years



1 preceding their several appointments, [~~two~~] five of whom shall  
2 be practicing dental hygienists, duly licensed under section  
3 447-1, and who have been engaged in the practice of dental  
4 hygiene in the State for a period of five years preceding  
5 appointment, and two of whom shall be public members. A minimum  
6 of one member who is a practicing dentist shall have a  
7 background in public health dentistry. Of the members who are  
8 practicing dental hygienists, three shall be residents of Oahu,  
9 and two shall be residents of neighbor islands. No member shall  
10 be in any way connected with, or interested financially in, any  
11 dental supply company. One member in the practice of dentistry  
12 shall be appointed from each of the counties of Hawaii, Maui,  
13 and Kauai and five members in the practice of dentistry shall be  
14 appointed from the city and county of Honolulu. As used in this  
15 chapter, "board" means the board of [~~dental-examiners.~~]  
16 dentistry and dental hygiene."

17 SECTION 4. Section 448-6, Hawaii Revised Statutes, is  
18 amended by amending subsection (a) to read as follows:

19 "(a) The board shall meet for the purpose of examining  
20 applicants and for other purposes at times that it designates.  
21 Adequate statewide public notice of the times and places of



1 examinations shall be given. The board may prescribe which  
2 members shall participate in the examination and licensing  
3 procedures. Board members who are residents of neighbor islands  
4 may attend meetings of the board via teleconference."

5 SECTION 5. Sections 26-9, 423-1, 447-1(a), 447-1.5, 447-2,  
6 447-3, 447-3.5, 447-4, 447-6, 447-7, 448-1.5, 448-2, 448-3,  
7 448-7, 448-9.6, 448-11, 448-12, 448-13, 448-16, 448-16.5,  
8 448-22, 448-23, and 451D-2, Hawaii Revised Statutes, are amended  
9 by substituting the words "board of dentistry and dental  
10 hygiene", or similar term, wherever the words "board of dental  
11 examiners", or similar term, appears, as the context requires.

12 SECTION 6. The board of dentistry and dental hygiene shall  
13 develop a conflict of interest policy regarding board member  
14 participation with dental examination companies that may provide  
15 examinations for Hawaii dentists. The board shall report to the  
16 legislature on the status of this policy no later than twenty  
17 days prior to the convening of the regular session of 2018.

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



# S.B. NO. 371

1 SECTION 8. This Act shall take effect on July 1, 2017;  
 2 provided that section 3 of this Act shall take effect on July 1,  
 3 2018.

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# S.B. NO. 371

**Report Title:**

Board of Dentistry and Dental Hygiene; Dentistry

**Description:**

Changes the name of the Board of Dental Examiners to the Board of Dentistry and Dental Hygiene (Board). 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. Allows neighbor island Board members to attend meetings via teleconference. Requires the Board to develop conflict of interest policies for Board member participation with dental examination companies and to submit a report to the Legislature prior to the 2018 Regular Session on the status of the policy.

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

