A BILL FOR AN ACT

RELATING TO THE SUPERVISION OF LICENSED DENTAL HYGIENISTS IN A PUBLIC HEALTH SETTING.

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

- 1 SECTION 1. Section 447-3, Hawaii Revised Statutes, is 2 amended by amending subsection (d) to read as follows:
- 3 "(d) [A] Notwithstanding section 447-1(f), a licensed
- 4 dental hygienist may operate under the general supervision [as
- 5 provided in section 447-1(f)] of any licensed dentist providing
- 6 dental services in a public health setting. General supervision
- 7 is permitted in a public health setting; provided that the
- 8 supervising licensed dentist is available for consultation;
- 9 provided further that a licensed dental hygienist shall not
- 10 perform any irreversible procedure or administer any intra-oral
- 11 block anesthesia under general supervision. In a public health
- 12 setting, the supervising licensed dentist shall be responsible
- 13 for all delegated acts and procedures performed by a licensed
- 14 dental hygienist. [As used in this subsection, "public health
- 15 setting" includes dental services in a legally incorporated
- 16 eleemosynary dental dispensary or infirmary, private school,

welfare center, hospital, nursing home, adult day care center or 1 2 assisted living facility, mental institution, nonprofit health 3 clinic, or the State or any county. A] Notwithstanding section 4 447-1(f), a licensed dental hygienist under the general 5 supervision of a licensed dentist employed in a public health 6 setting may perform dental education, dental screenings, teeth 7 cleanings, intra-oral or extra-oral photographs, x-rays if 8 indicated, and fluoride applications [-] on individuals who are 9 not yet patients of record, have not yet been examined by a 10 licensed dentist, or do not have a treatment plan. Other 11 permissible duties shall be pre-screened and authorized by a 12 supervising licensed dentist, subject to the dentist's 13 determination that the equipment and facilities are appropriate 14 and satisfactory to carry out the recommended treatment plan. A 15 licensed dental hygienist shall refer individuals who are seen 16 in a public health setting to a dental facility for further **17** dental care. No direct reimbursements shall be provided to 18 licensed dental hygienists. 19 As used in this subsection:

(1) "Public health setting" includes but is not limited to

dental services in a legally incorporated eleemosynary

SB2799 HD1 HMS 2018-3196

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1		dental dispensary or infirmary, private or public
2		school, welfare center, community center, public
3		housing, hospital, nursing home, adult day care center
4		or assisted living facility, mental institution,
5		nonprofit health clinic or facility, or the State or
6		any county; and
7	(2)	"General supervision" means the supervising licensed
8		dentist is available for consultation and shall be
9		responsible for all delegated acts and procedures
10		performed by a licensed dental hygienist."
11	SECT	ION 2. Statutory material to be repealed is bracketed
12	and stric	ken. New statutory material is underscored.
13	SECT	ION 3. This Act shall take effect on July 1, 3000.

S.B. NO. S.D. 1 H.D. 1

Report Title:

Licensed Dental Hygienists; Public Health Setting; Supervision

Description:

Allows licensed dental hygienists to practice under the general supervision of any licensed dentist providing dental services in a public health setting. (SB2799 HD1)

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

PRESENTATION OF THE BOARD OF DENTAL EXAMINERS

TO THE HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

TWENTY-NINTH LEGISLATURE Regular Session of 2018

Wednesday, March 28, 2018 2:00 p.m.

TESTIMONY ON SENATE BILL NO. 2799, S.D. 1, H.D. 1, RELATING TO THE SUPERVISION OF LICENSED DENTAL HYGIENISTS IN A PUBLIC HEALTH SETTING.

TO THE HONORABLE ROY M. TAKUMI, CHAIR, AND MEMBERS OF THE COMMITTEE:

My name is Paul Guevara, D.M.D., M.D.S., and I am the Chairperson of the Board of Dental Examiners ("Board"). Thank you for the opportunity to testify in support of S.B. 2799, S.D. 1, H.D. 1, relating to the supervision of licensed dental hygienists in a public health setting.

This bill allows licensed dental hygienists to practice under the general or direct supervision of any licensed dentist providing dental services in a public health setting. H.D. 1 amends this measure by: (1) defining the term "general supervision" to mean the supervising licensed dentist is available for consultation and shall be responsible for all delegated acts and procedures performed by a licensed dental hygienist; (2) clarifying that a licensed dental hygienist under the general supervision of a licensed dentist employed in a public health setting may perform x-rays if indicated; and (3) clarifying that a licensed dental hygienist is required to refer individuals who are seen in a public health setting to a dental facility for further dental care.

Thank you for the opportunity to testify in support of S.B. 2799, S.D. 1, H.D. 1.



STATE OF HAWAII DEPARTMENT OF HEALTH

P. O. Box 3378 Honolulu, HI 96801-3378 doh.testimony@doh.hawaii.gov

Testimony in SUPPORT of S.B. 2799, S.D. 1, H.D. 1 RELATING TO THE SUPERVISION OF LICENSED DENTAL HYGIENISTS IN A PUBLIC HEALTH SETTING.

REPRESENTATIVE ROY M. TAKUMI, CHAIR
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Hearing Date: March 28, 2018 Room Number: 329

1 Fiscal Implications: None

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Department Testimony: The Department **strongly supports and offers an amendment** to this measure, which is part of the Governor's Administrative Package. This bill only amends subsection 447-3(d), Hawaii Revised Statutes, the general supervision requirements of dental hygienists in a public health setting, not in other types of settings such as private offices. S.B. 2799, S.D. 1, H.D. 1, will support and promote the expanded access to dental services for the underserved and vulnerable populations in community settings through community-based programs such as the virtual dental home. Patient safeguards will still be maintained though the general supervision requirements in a public health setting.

Amending the general supervision requirements by dentists for dental hygienists in public health settings will aid in removing dental practice barriers to providing dental services in public health settings. Refining "public health setting" and specifically permitting a dental hygienist, under the general supervision of a dentist, to perform teeth cleanings, x-rays, intra-oral or extra-oral photographs in public health settings will improve access to dental care.

The Department strongly recommends the following amendment to this measure below:

16 On page 2, lines 14-17:

- "A licensed dental hygienist shall refer individuals not currently under the care of a dentist
 and who are seen in a public health setting to a dental facility for further dental care."
- 19 The requirement in this measure for a licensed dental hygienist to refer all individuals who are
- seen in a public health setting to a dental facility for further dental care is not necessary. There
- are individuals who are seen by a dental hygienist in a public health setting that are currently

under the care of a dentist. For these individuals, referrals to a dental facility for further care is not necessary. This is the case for individuals being treated via the virtual dental home delivery of care model and other public oral health programs.

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The recommended amendment focuses only on referring individuals not currently under the care of a dentist to a dental facility for further dental care. This still achieves the objective to help ensure all individuals seen in a public health setting receive further dental care by a dentist.

Thank you for this opportunity to testify in strong support of this measure with a recommended amendment.





March 27, 2018

The Honorable Rep. Roy Takumi, Chair The Honorable Rep. Linda Ichiyama, Vice Chair Committee on Consumer Protection and Commerce

RE: Testimony in Support of SB 2799 - Relating to the Supervision of Licensed Dental

Hygienists in a Public Health Setting

Hearing: Wednesday, March 28, 2018 at 2 pm

Aloha Chair Takumi, Vice Chair Ichiyama, and other members of the House Committee on Consumer Protection and Commerce:

Hawaii Dental Service (HDS), the state's largest dental benefits provider, fully supports this bill with one suggested amendment noted below in bold:

On page 2, lines 14-17: A licensed dental hygienist shall refer individuals **not currently under the care of a dentist and** who are seen in a public health setting to a dental facility for further dental care.

This requirement for a licensed dental hygienist to refer individuals who are seen in a public health setting to a dental facility for further dental care is not necessary when the individual already has an established dentist.

Access to oral health care, especially in rural communities remains an ongoing challenge in our state. HDS has invested more than \$630,000 in the Hawaii State Department of Health's effort to explore a new way to serve Hawaii's children and adults through teledentistry programs. I have seen, first hand, how the teledentistry program has the potential to serve many more people in our state who face barriers to visiting a traditional dental office.

Allowing licensed dental hygienists to perform teeth cleanings, x-rays, intra-oral or extra-oral photographs for individuals in a public health setting who are not yet patients of record, have not yet been examined by a licensed dentist, or do not have a treatment plan will help to make the teledentistry program most efficient and sustainable. This measure will also allow dental hygienists to play a key role in expanding care to underserved populations throughout the state.

Telephone: 808-521-1431

Toll Free: 800-232-2533

Fax: 808-529-9368

Thank you for your consideration of SB 2799.

Sincerely,

Mark Yamakawa

President & Chief Executive Officer

Mule Dr. Gennelanae



Testimony to the House Committee on Consumer Protection and Commerce Thursday, March 18, 2018; 2:00 p.m. State Capitol, Conference Room 329

RE: SUPPORTING SENATE BILL NO. 2799, HOUSE DRAFT 1, RELATING TO THE SUPERVISION OF LICENSED DENTAL HYGIENISTS IN A PUBLIC HEALTH SETTING.

Chair Takumi, Vice Chair Ichiyama, and Members of the Committee:

The Hawaii Primary Care Association (HPCA) is a 501(c)(3) organization established to advocate for, expand access to, and sustain high quality care through the statewide network of Community Health Centers throughout the State of Hawaii. The HPCA <u>SUPPORTS</u> Senate Bill No. 2799, House Draft 1, RELATING TO THE SUPERVISION OF LICENSED DENTAL HYGIENISTS IN A PUBLIC HEALTH SETTING.

The bill, as received by your Committee, would clarify the scope of practice of dental hygienists working in a public health setting by:

- (1) Permitting general supervision of dental hygienists (in addition to direct supervision) by a licensed dentist, provided that the licensed dentist is available for consultation;
- (2) Prohibiting the dental hygienist from performing any "irreversible procedure" or administering any intra-oral block anesthesia under general supervision;
- (3) Authorizing the licensed dental hygienist in a public health setting to perform teeth cleanings, x-rays, intra-oral or extra-oral photographs, and permitting services to be performed on individuals who are not yet patients of record, have not been examined by a licensed dentist, or do not have a treatment plan;
- (4) Providing that a "public health setting" include a public school, a community center, and a public housing facility;
- (5) Clarifying that the supervising licensed dentist be responsible for all delegated acts and procedures performed by the licensed dental hygienist; and
- (6) Take effect on July 1, 3000, to facilitate continued discussion.

Furthermore, the bill would direct all licensed dental hygienists to take feasible actions to refer individuals that are seen in a public health setting to a dental facility for further dental care.

Federally Qualified Health Centers (FQHCs) provide desperately needed medical services at the frontlines in rural communities. Long considered champions for creating a more sustainable, integrated, and wellness-oriented system of health by creating a more efficient, more effective and more comprehensive system of health, FQHCs experience even greater challenges in recruiting and retaining qualified health care professionals to service the ever-growing volume of patients.

Preventative and restorative dental care is an essential component of effective primary health care. In particular, preventive dentistry emphasizes the importance of ongoing hygiene procedures and daily practices to prevent tooth decay and other dental diseases and conditions. Effective preventive dentistry combines at-home oral care by patients with chairside treatments and counseling by dental professionals.

Oral diseases can interfere with eating, speaking, daily activities and self-esteem. In children, severe decay can affect growth and development. Preventive dentistry can result in less extensive – and less expensive – treatment for any dental conditions that may develop, and help you keep your natural teeth for a lifetime.

In 2015, the Hawaii State Department of Health (DOH) issued its report entitled, "Hawaii Oral Health, Key Findings", in which they reported, among other things, that:

- There appear to be substantial dental health disparities in Hawaii, with low-income residents more likely to have dental problems and less likely to see a dentist each year.
- Hawaii children enrolled in the publicly funded Medicaid program, QUEST, see dentists
 more often than national estimates. However, Hawaii children receive more dental
 treatment services rather than preventive care compared to national estimates.
- Most pregnant women in Hawaii do not see a dentist even though national health and dental groups assure that dental visits are safe and recommended to help prevent dental problems in the women and their developing babies.
- Many Hawaii residents are seeking care at hospital emergency departments for dental problems, although dental services are generally not available there.

Testimony on Senate Bill No. 2799, House Draft 1 Wednesday, March 28, 2018; 2:00 p.m. Page 3

The HPCA commends the DOH for proposing this bill as a practical means of expanding the accessibility of preventative dental care in public health settings. By improving access to preventive dental care for Hawaii's low income populations, the State will be proactively taking steps to improve the overall health of Hawaii's most vulnerable populations.

For these reasons, we **SUPPORT** this bill and urge your favorable consideration.

In advance, thank you for your consideration of our testimony.



March 27, 2018

House Committee on Consumer Protection and Commerce

SUPPORT of SB 2799, SD1, HD1

Ellie Kelley-Miyashiro, RDH, BS

Hawaii Dental Hygienists' Association, Regulations and Practice Chairperson

Chairperson Chairperson Takumi, Vice Chair Ichiyama and Committee Members:

The Hawaii Dental Hygienists' Association (HDHA) fully **supports SB 2799, SD1, HD1**. We would like to congratulate you on your leadership in clarifying the scope of practice afforded Dental Hygienists under general supervision in Public Health settings. Having one of the worst dental decay rates in the nation, Hawaii's underserved adults and children can only benefit from legislation allowing them the greatest access to care.

- Currently, the Hawaii dental practice act only allows general supervision of a patient of record, has an existing treatment plan, and has been examined by a licensed dentist. The general supervision requirements are basically identical for private and public health settings.
- By amending the general supervision requirements by dentists for dental hygienists in public health settings to reflect the law prior to July 1, 2017, it will help in removing dental practice barriers to providing dental services in public health settings.
- This bill also refines the definition of a "public health setting", and specifically permits a dental hygienist under the general supervision of a dentist to perform teeth cleanings, x-rays, intraoral or extra-oral photographs in public health settings. It also requires a dental hygienist to take feasible action to refer individuals that are seen in a public health setting to a dental home. These amendments help in supporting and promoting the expanded access to dental services for the underserved and vulnerable populations in public health settings.

We strongly support this bill with the following recommended amendments to the referral requirement. Recommend amending language to: <u>A licensed dental hygienist shall refer individuals not currently under the care of a dentist and who are seen in a public health setting to a dental facility for further dental care.</u>



This requirement for a licensed dental hygienist to refer ALL individuals who are seen in a public health setting to a dental facility for further dental care is not necessary in this bill. There are individuals who are seen by a dental hygienist in a public health setting that are currently under the care of a dentist. For these individuals, referral to a dental facility for further care is not necessary. This is the case for individuals being treated via the virtual dental home delivery of care model and other public oral health programs.

This recommended amendment focuses only on referring individuals not currently under the care of a dentist to a dental facility for further dental care. This still achieves the objective to help ensure all individuals seen in a public health setting receive further dental care by a dentist. It also addresses any confusion by dental hygienists referring an individual to a dental facility in cases when an individual is under the current care of a dentist.

As the largest association representing Hawaii's licensed dental hygienists', HDHA **strongly supports SB 2799, SD1, HD1** to address the prevention of dental disease among Hawaii's people in Public Health settings.

Thank you for your consideration.



March 28, 2018

The Honorable Roy M. Takumi, Chair The Honorable Linda Ichiyama, Vice Chair House Committee on Consumer Protection and Commerce

Re: SB 2799, SD1, HD1 – Relating to the Supervision of Licensed Dental Hygienists in a Public Health Setting

Dear Chair Takumi, Vice Chair Ichiyama, and Members of the Committee:

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify on SB 2799, SD1, HD1 which allows licensed dental hygienists to practice under the general or direct supervision of any licensed dentist providing dental services in a public health setting. HMSA supports the intent of this Bill, to remove barriers to providing dental services to underserved and vulnerable populations in public health settings.

Thank you for allowing us to testify in support of SB 2799, SD1, HD1.

Sincerely, Jacce Mikulanec Hawaii Medical Service Association, Government Relations

<u>SB-2799-HD-1</u> Submitted on: 3/27/2018 10:09:17 AM

Testimony for CPC on 3/28/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i	Support	No

Comments:



Date: March 27, 2018

To: The Honorable Roy Takumi, Chair

The Honorable Linda Ichiyama, Vice Chair

Members of the House Committee on Consumer Protection and Commerce

From: Trish La Chica, Policy and Advocacy Director, Hawai'i Public Health Institute

Re: Support for SB 2799 SD1 HD1, Relating to the Supervision of Licensed Dental Hygienists in a

Public Health Setting

Hrg: March 28, 2018 at 2:00 pm at Capitol Room 329

Thank you for the opportunity to offer testimony in support of SB 2799, which would allow licensed dental hygienists to practice under the general or direct supervision in a public health setting.

The Hawai'i Public Health Institute (HIPHI) supports and promotes policy efforts to create a healthy Hawai'i. HIPHI weaves silos into working relationships as an effective network, ensuring that we come together across sectors to advance collaboration and innovation in public health and work towards making Hawai'i the healthiest place to live.

Oral health in our state is a public health crisis, with Hawaii receiving a failing grade of "F" in three recent oral health report cards released by The Pew Center for the States. In addition, the lack of Medicaid adult dental benefits has resulted in many low-income adults only seeking dental care for acute conditions that have been allowed to reach a crisis stage. Expanding public health settings to public schools, community centers, and public housing in which dental hygienists can provide care would help to address this crisis. In addition, a 2015 Department of Health report entitled Hawaii Oral Health: Key Findings revealed that:

- Only 52% of low-income adults in Hawai'i saw a dentist, compared to 82% of high-income adults.
- 51% of low-income adults lost teeth due to dental disease, compared to only 32% of high-income adults.
- In 2012, there were more than 3,000 emergency room visits due to preventable dental problems, 67% more than in 2006. As a result, aggregate hospital charges for dental emergency visits were \$8,500,000 compared to \$4.000.000 in 2006.

The goal of public health is to improve and protect the health of individuals, families, and communities. It looks at the health of a population as a whole rather than on the treatment of an individual. Barriers to oral health care include limited income and/or no dental insurance, transportation issues, and the lack of specialty services especially in neighbor islands. In addition, special patient populations, such as those with developmental and physical disabilities and older adults who are homebound, may face

additional obstacles when seeking oral health care. Allowing dental hygienists to work in various community settings beyond the dentist's office can begin to address these disparities and improve access to oral health care.

SB 2799 expands the settings in which dental hygienists are allowed to practice allowing more people to receive the oral health care services they need. Please pass this measure.

Thank you for the opportunity to provide testimony.

Trish La Chica, MPA

Policy and Advocacy Director



March 28, 2018

To: Representative Roy M. Takumi, Chair

Representative Linda Ichiyama, Vice Chair

House Committee on Consumer Protection & Commerce

From: Mandy Finlay, Director of Public Policy

Hawaii Children's Action Network

Re: SB 2799, SD1, HD1 – Relating to the Supervision of Licensed Dental Hygienists in a Public

Health Setting

Hawaii State Capitol, Room 329, March 28, 2018, 2:00 PM

On behalf of Hawaii Children's Action Network (HCAN), we are writing to support SB 2799, SD1, HD1, which would allow licensed dental hygienists to practice under the general or direct supervision of any licensed dentist providing dental services in a public health setting.

Hawaii's children have the highest rate of tooth decay in the nation. This is particularly true for children in low-income households who reside in rural areas. These figures underscore the need to expand access to comprehensive dental care services, especially for underserved and vulnerable communities. This measure seeks to improve the dental health of our state's children by allowing dental hygienists to operate under the general supervision of a dentist in public health settings. This means that licensed dental hygienists will be able to perform necessary dental procedures such as teeth-cleanings, x-rays, and examinations in locations such as public schools and public housing. This allows for greater community outreach and breaks down some of the barriers that communities often face in obtaining dental health services. We believe this will expand access to dental services and provide immediate health benefits to our state's children.

For these reasons, HCAN respectfully requests your Committee to support this measure.

HCAN is committed to building a unified voice advocating for Hawaii's children by improving their safety, health, and education.

SB-2799-HD-1

Submitted on: 3/27/2018 9:30:49 AM

Testimony for CPC on 3/28/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing	
Diane Brucato	Individual	Support	No	

Comments:

This testimony is in strong support of SB2799 SD1 HD1. This bill clarifies allowable duties safely executed by licensed dental hygienists in public health settings. This bill will do much to increase public access to safe preventive dental care by well educated, tested, and licensed dental hygienists. It is well worded except for the following amendment on page 2, lines 14 to 17: "A licensed dental hygienist shall refer individuals who are seen in a public health setting to a dental facility for further dental care." I strongly support this bill with recommended amendments to the referral requirement. Recommend amending language to: A licensed dental hygienist shall refer individuals not currently under the care of a dentist and who are seen in a public health setting to a dental facility for further dental care. This requirement for a licensed dental hygienist to refer all individuals who are seen in a public health setting to a dental facility for further dental care is not necessary in this bill. There are individuals who are seen by a dental hygienist in a public health setting that are currently under the care of a dentist. For these individuals, referrals to a dental facility for further care is not necessary. This is the case for individuals being treated via the virtual dental home delivery of care model and other public oral health programs. Thank you for your insight in creating this bill. The recommended amendment focuses only on referring individuals not currently under the care of a dentist to a dental facility for further dental care. This still achieves the objective to help ensure all individuals seen in a public health setting receive further dental care by a dentist. It also addresses any confusion by dental hygienists referring an individual to a dental facility in cases when an individual is under the current care of a dentist. Please consider also amending "teeth cleaning" to be more specific (root planing, scaling and polishing) as defined in the dental hygiene practice act, because cleaning is more in line with brushing and flossing. Thank you for your attention. Please support SB2799 SD1 HD1.

Respectfully,

Diane Brucato, RDH, EF, BS, FAADH

Petition to Submit Testimony in Support of SB2799,SD1,HD1

Petition summary and	As Registered Dental Hygienists in the state of Hawaii, we are in SUPPORT of SB2799, SD1,HD1.
background:	We are asking Legislature to amend the general supervision requirements by dentists for dental hygienists in public
	health settings to reflect the law prior to July 1, 2017. This will help to remove dental practice barriers that provide
	dental services in a public health setting and will allow dental hygienists to refer individuals to a dental home.
	Currently, the Hawaii Dental Practice Act only allows general supervision of a dental hygienist in a private and
	public health setting to see a patient of record, has an existing treatment plan and has been examined by a licensed
	dentist.
Action petitioned for:	We, the undersigned, are concerned citizens who urge our leaders to act now to SUPPORT SB2799, SD1,HD1.
	Recommend amending language to: A licensed dental hygienist shall refer individuals not currently under the care
	of a dentist and who are seen in a public health setting to a dental facility for further dental care.
	These amendments will help to support and promote expanded access to dental services for the underserved and
	vulnerable population in a public health setting.

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Printed name	Email Address	Comment	Date

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SB-2799-HD-1

Submitted on: 3/26/2018 6:57:21 AM

Testimony for CPC on 3/28/2018 2:00:00 PM

	Submitted By	Organization	Testifier Position	Present at Hearing	
Ī	Rosie	Individual	Support	No	

Comments:

I support SB2799 with the following amendentment-

A licensed dental hygienist shall refer individuals not currently under the care of a dentist and who are seen in a public health setting to a dental facility for further dental care.





To: The House Committee on Consumer Protection and Commerce

Time/Date: 2 p.m., March 28, 2018

Location: Capitol Conference Room 329

Re: SB 2799, SD 1, HD1, RELATING TO THE SUPERVISION OF LICENSED DENTAL HYGIENISTS

IN A PUBLIC HEALTH SETTING.

Aloha Chair Takumi, Vice Chair Ichiyama and members of the committee! My name is Kim Nguyen and I serve as the executive director of the Hawaii Dental Association, a professional association comprised of approximately 950-member dentists. The Hawaii Dental Association (HDA) is a statewide professional membership organization representing dentists practicing in Hawaii and licensed by the State of Hawaii Board of Dental Examiners. HDA members are committed to protecting the oral health and well-being of all of the people of Hawaii, from keiki to kupuna and everyone in between.

Our understanding of SB 2799, SD 1, HD1, is that it restores needed flexibility in the public health setting. We support this measure.