

Testimony of the Board of Dentistry

**Before the
Senate Committee on Judiciary
Tuesday, February 25, 2020
12:30 p.m.
State Capitol, Conference Room 016**

**On the following measure:
S.B. 2584, S.D. 1, RELATING TO DENTAL ASSISTANTS**

WRITTEN TESTIMONY ONLY

Chair Rhoads and Members of the Committee:

My name is Sandra Matsushima, and I am the Executive Officer of the Board of Dentistry (Board). The Board opposes this bill.

The purposes of this bill are to: (1) establish minimum requirements for dental assistants; and (2) clarify the allowable and prohibited practices by dental assistants. This measure also provides criteria for dental assistants employed for less than five years as of July 1, 2020, and/or an educational exemption requirement for dental assistants employed for at least five years, hired on or after July 1, 2020.

The Board notes that passage of this bill would severely impact the current workforce, given that there is only one dental assisting program accredited by the American Dental Association Commission on Dental Accreditation in Hawaii, which is offered at the Kapiolani Community College (KCC) on Oahu. The KCC program does not have the resources to enroll, train, and certify all currently employed dental assistants within the one-year period. The program is only able to accommodate up to 12 students per year. It is the Board's understanding that KCC intends to increase capacity to 18 students in fall 2020. However, even with this increase, the program is unable to enroll all of the currently employed dental assistants by July 1, 2021.

For the Committee's information, the Board's administrative rules currently require dental assistants to be trained in sterilization and disinfection procedures that meet Occupational Safety and Health Administration standards and Centers for Disease Control and Prevention and the American Dental Association guidelines, as well as training in ethics, patient record keeping, patient confidentiality, and cardiopulmonary

resuscitation, as found in Hawaii Administrative Rules (HAR) section 16-79-69.5. Training courses must be provided by approved sponsors pursuant to HAR section 16-79-142.

The Board's administrative rules also include the duties that dental assistants are prohibited from performing, which include work that is irreversible so as to cause change in the affected hard or soft tissues and is permanent or may require reconstructive or corrective procedures.

The Board also has serious concerns with the deletion of the following language on page 10, lines 11 to 13: "Duties of the dental assistant and regulatory directives shall be delineated under rules which the board of dentistry may from time to time adopt." This deletion will severely restrict and limit the Board's authority to adopt rules regarding the duties and regulatory directives of the dental assistant. With changes to the practice of dentistry and rapid improvements to technology and equipment, the Board would like to continue having the ability to implement changes through administrative rules.

The Board notes that H.B. 2100, Relating to Health, establishes the Dental Assistant Task Force within the Department of Commerce and Consumer Affairs. That measure resulted from a meeting on December 2, 2019, wherein Representative Mizuno, Representative Takumi's staff, and representatives from the Hawaii Dental Association, the Hawaii Dental Hygiene Association, KCC Dental Assisting Program, and the Board met and agreed to form a task force to address the regulation of dental assistants. Accordingly, the Board respectfully requests that the Legislature convene a task force to address this matter and hold this measure.

Thank you for the opportunity to testify on this bill.



Hawaii
Dental Hygienists' Association

LATE

Testimony in Support of SB 2584 SD1, Relating to Dental Assistants

February 23, 2020

Dear Chair Rhoads, Vice Chair Keohokalole and Respected Members of the Committee on Judiciary:

The Hawaii Dental Hygienists' Association (HDHA) supports the intent of **SB 2584 SD1**. We applaud your leadership in initiating this important safety measure during the 2020 legislative session.

It has been determined by the Sunrise Analysis of 2018 that several basic tasks, routinely performed by dental assistants in Hawai'i, can and do pose a reasonable risk of injury to patients. Tasks such as, proper infection control and sterilization, radiation exposure, use of sharp instruments to remove excess cement or other materials within the mouth, or possible aspiration while taking intraoral impressions, all pose some risk to patients. Because of this risk, HDHA believes all Dental Assistants should be uniformly trained and certified via a third party (not their supervising dentist), which would allow this important profession to be monitored by the State, increasing the public's safety.

Currently, dental assistants in Hawai'i do not need any specific education or other qualifications and are unregulated by the State. In Hawai'i, Dental Assistants are identified in statute and administrative rule as unlicensed auxiliary personnel who perform supportive dental procedures under the direct supervision, direction, evaluation, and responsibility of a licensed dentist. Training for dental assistant duties is typically done on-the-job by the supervising dentist and/or another assistant, and varies widely from office to office and from dentist to dentist. This "on-the-job" method of training creates patient dental care with little, to no standardization. It also creates an environment where dental assistants have risked public safety by practicing beyond their allowable duties, due to the absence of, or limited knowledge of, the Hawaii Revised Statutes and Hawaii Administrative Rules.

The intent of this measure is clearly to increase public safety. By placing the allowable and non-allowable duties of Dental Assistants into the Hawaii Revised Statute, section 448 and requiring ALL dental assistants to complete standardized course work in a few key areas such as, Proper Infection Control, Radiography Technique and Risk, CPR, and Allowable/Non Allowable Duties for Dental Assistants in accordance with Hawaii Revised Statute and Hawaii Administrative Rules, HDHA feels this can be accomplished. Standardized knowledge in these areas would ultimately improve patient care and increase public safety.

HDHA thanks you for your time and consideration of **SB 2584 SD1**. As always, The Hawaii Dental Hygienists' Association would like to convey our core desire that dentists, hygienists and dental assistants continue to be integral members of the oral health team, and feel that the public is best served and protected when all members of the Oral Health workforce are properly educated, trained, and regulated. Thank you for your time.



To: Senate Committee on Judiciary
Time/Date: 12:30 p.m., February 25, 2020
Location: State Capitol Room 16
Re: Senate Bill 2584, SD1, Relating to Dental Assistants

Aloha Chair Rhoads, Vice Chair Keohokalole and members of the committee:

The Hawaii Dental Association (HDA), a professional association comprised of approximately 950-member dentists, is respectfully opposed to SB 2584, SD1, relating to Dental Assistants. This bill establishes minimum requirements for dental assistants and clarifies the allowable and prohibited practices by dental assistants.

Regulation of dental assistants has been addressed in a state Legislative Auditor's report which encouraged a tiered regulatory approach. We support a tiered approach, while recognizing that there may be costs associated with the Department of Commerce and Consumer Affairs implementing it which are not provided for in this measure. We have worked collaboratively with educators, regulators, and representatives of other organizations to address regulating dental assistants and strongly prefer efforts to establish a *working group* comprised of these organizations and the Department of Health to ensure implementation and impacts can be considered prior to adoption of requirements.

We continue to support legislation aimed at enhancing and promoting oral health, utilizing the appropriate supervised integration of dental assistants in the dental team.

HDA is a statewide membership organization representing dentists practicing in Hawaii and licensed by the State of Hawaii's Board of Dentistry. HDA members are committed to protecting the oral health and well-being of the people of Hawaii, from keiki to kupuna and everyone in between.

Mahalo for the opportunity to testify on SB 2584, SD1. Mahalo.

LATE

SB-2584-SD-1

Submitted on: 2/25/2020 12:32:35 PM

Testimony for JDC on 2/25/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rayne	Individual	Support	No

Comments: