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# A BILL FOR AN ACT

RELATING TO DENTAL HYGIENISTS.

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

1           SECTION 1. The legislature finds that most states are not  
2 providing enough resources to help individuals prevent tooth  
3 decay, which can increase health care costs for many families.  
4 The Centers for Disease Control and Prevention and American  
5 Dental Association cite sealants, clear plastic coatings applied  
6 to the chewing surfaces of molars, as the most effective  
7 preventative strategy in tooth decay. According to the Hawaii  
8 Smiles 2015 report, more than sixty per cent of children do not  
9 have protective sealants. One recommendation suggests  
10 prevention programs, such as school-based oral health programs,  
11 could benefit students and lower rates of tooth decay among  
12 children. Additionally, a 2013 report by the Pew Center,  
13 "Falling Short: Most State Lag on Dental Sealants", graded all  
14 fifty states on their efforts to prevent tooth decay by  
15 improving access to sealants for low-income children. In the  
16 report, states received a grade based on four indicators:  
17 having sealant programs in high-need schools; allowing dental



1 hygienists to place sealants in school-based programs without  
2 requiring a dental exam; collecting data regularly concerning  
3 the dental health of schoolchildren and submitting it to the  
4 national oral health surveillance system; and meeting a national  
5 objective on sealants set by the federal government's Healthy  
6 People 2030 goals.

7       The legislature notes that Hawaii was one of only five  
8 states to receive a grade of "F", with a total of one out of  
9 eleven possible points. An "F" grade indicates a state is  
10 lagging far behind in prevention efforts and could be taking  
11 grater action to reduce health care costs and complications  
12 associated with dental problems. In a follow-up report in 2015,  
13 some states made improvements or initiated changes to their oral  
14 health programs. However, Hawaii has not taken action and is  
15 now one of three states to still receive a grade of "F".  
16 Research shows that providing dental sealants through school-  
17 based programs is a cost-effective way to reach low-income  
18 children who are at greater risk of decay.

19       The legislature further finds that school-based dental  
20 sealant programs provide sealants to children least likely to  
21 receive them otherwise. Studies have shown that tooth decay of



1 molars dropped an average of sixty per cent up to five years  
2 after sealant application in a school program. Sealants also  
3 prevent decay at one-third the expense of filling a cavity.  
4 States wishing to establish a school-based sealant program must  
5 also explore potential funding avenues. Some states with  
6 school-based dental sealant programs, such as Ohio, receive  
7 funding through the federal Maternal and Child Health Block  
8 Grant. Other funding possibilities may also be available,  
9 including program-generated revenue through collections from  
10 medicaid. The legislature also notes that medicaid currently  
11 covers sealants for eligible recipients in Hawaii.

12 The legislature also finds that the Pew report noted Hawaii  
13 was one of eight states with the most restrictions on dental  
14 hygienists, the primary practitioners who apply sealants in  
15 school-based programs. Removing certain restrictions on dental  
16 hygienists will eliminate expensive barriers to serving children  
17 in school-based sealant programs. To make prevention of tooth  
18 decay amongst Hawaii's children a top priority, the State must  
19 take proactive steps to address this critical health care need.

20 Accordingly, the purpose of this Act is to permit licensed  
21 dental hygienists to perform preventive dental sealant



1 screenings and apply preventative dental sealants, in  
2 conjunction with a licensed dentist in a school-based dental  
3 program.

4 SECTION 2. Section 447-3, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 **"§447-3 Employment of and practice by dental hygienists.**

7 (a) Any licensed dentist, legally incorporated eleemosynary  
8 dental dispensary or infirmary, private school, welfare center,  
9 hospital, nursing home, adult day care center or assisted living  
10 facility, mental institution, nonprofit health clinic, or the  
11 State or any county, may employ licensed dental hygienists.

12 (b) Clinical dental hygiene may be practiced by a licensed  
13 dental hygienist. The practice of clinical dental hygiene is  
14 defined as the removal of hard and soft deposits and stains from  
15 the portion of the crown and root surfaces to the depth of the  
16 gingival sulcus, polishing natural and restored surfaces of  
17 teeth, the application of preventive chemical agents to the  
18 coronal surfaces of teeth, which chemical agents have been  
19 approved by the board of dentistry, and the use of mouth washes  
20 approved by the board, but shall not include the performing of  
21 any repair work or the preparation thereof, or any other



1 operation on the teeth or tissues of the mouth; provided that  
2 nothing in this subsection shall prohibit a dental hygienist  
3 from using or applying topically any chemical agent [~~which~~] that  
4 has been approved in writing by the department of health for any  
5 of the purposes set forth in part V of chapter 321, and other  
6 procedures delegated by a dentist in accordance with the rules  
7 of the board of dentistry.

8 In addition, a licensed dental hygienist may administer  
9 intra-oral infiltration local anesthesia and intra-oral block  
10 anesthesia under the supervision of a dentist as provided in  
11 section 447-1(f) after being certified by the board, and for  
12 those categories of intra-oral infiltration local anesthesia and  
13 intra-oral block anesthesia for which the licensed dental  
14 hygienist has been certified through a course of study meeting  
15 the requirements of this chapter.

16 (c) A licensed dental hygienist may operate in the office  
17 of any licensed dentist, or legally incorporated eleemosynary  
18 dental dispensary or infirmary, private school, welfare center,  
19 hospital, nursing home, adult day care center or assisted living  
20 facility, mental institution, nonprofit health clinic, or in any  
21 building owned or occupied by the State or any county, but only



1 under the aforesaid employment and under the direct or general  
2 supervision of a licensed dentist as provided in section  
3 447-1(f). No dental hygienist may establish or operate any  
4 separate care facility [~~which~~] that exclusively renders dental  
5 hygiene services.

6 (d) Notwithstanding section 447-1(f), a licensed dental  
7 hygienist may operate under the supervision of any licensed  
8 dentist providing dental services in a public health setting.  
9 General supervision is permitted in a public health setting;  
10 provided that the supervising licensed dentist is available for  
11 consultation; provided further that a licensed dental hygienist  
12 shall not perform any irreversible procedure or administer any  
13 intra-oral block anesthesia under general supervision. In a  
14 public health setting, the supervising licensed dentist shall be  
15 responsible for all delegated acts and procedures performed by a  
16 licensed dental hygienist. Notwithstanding section 447-1(f), a  
17 licensed dental hygienist under the general supervision of a  
18 licensed dentist employed in a public health setting may perform  
19 dental education, dental screenings, teeth cleanings, intra-oral  
20 or extra-oral photographs, x-rays if indicated, and fluoride  
21 applications on individuals who are not yet patients of record,



1 have not yet been examined by a licensed dentist, or do not have  
2 a treatment plan. Other permissible duties shall be pre-  
3 screened and authorized by a supervising licensed dentist,  
4 subject to the dentist's determination that the equipment and  
5 facilities are appropriate and satisfactory to carry out the  
6 recommended treatment plan. A licensed dental hygienist shall  
7 refer individuals not currently under the care of a dentist and  
8 who are seen in a public health setting to a dental facility for  
9 further dental care. No direct reimbursements shall be provided  
10 to licensed dental hygienists.

11 As used in this subsection, "public health setting"  
12 includes but is not limited to dental services in a legally  
13 incorporated eleemosynary dental dispensary or infirmary,  
14 private or public school, welfare center, community center,  
15 public housing, hospital, nursing home, adult day care center or  
16 assisted living facility, mental institution, nonprofit health  
17 clinic or facility, or the State or any county.

18 (e) A licensed dental hygienist may perform preventative  
19 dental sealant screenings and apply preventative dental sealants  
20 on individuals who may or may not yet be patients of record,  
21 have not been previously examined by a licensed dentist, or do



1 not have a treatment plan prescribed by a licensed dentist, when  
2 under the general supervision of a licensed dentist in a school-  
3 based oral health program."

4 SECTION 3. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect on July 1, 3000.



**Report Title:**

Dental Hygienists; Dental Sealants; School-Based Health Program

**Description:**

Authorizes licensed dental hygienists to perform preventative dental sealant screenings and apply dental sealants on individuals, under certain conditions, in a Department of Education school-based oral health program. Effective 7/1/3000. (HD1)

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