



GOV. MSG. NO. 1198

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

June 27, 2024

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 27, 2024, the following bill was signed into law:

SB2476 HD2 CD1

RELATING TO DENTAL HYGIENISTS.
ACT 097

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

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 preventive 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
18 hygienists to place sealants in school-based programs without



1 requiring a dental exam; collecting data regularly concerning
2 the dental health of schoolchildren and submitting it to the
3 national oral health surveillance system; and meeting a national
4 objective on sealants set by the federal government's Healthy
5 People 2030 goals.

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

18 The legislature further finds that school-based dental
19 sealant programs provide sealants to children least likely to
20 receive them otherwise. Studies have shown that tooth decay of
21 molars dropped an average of sixty per cent up to five years



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

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

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

5 "§447-3 Employment of and practice by dental hygienists.

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

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



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

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

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



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

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



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

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

17 (e) Notwithstanding section 447-1(f), a licensed dental
18 hygienist may perform preventive dental sealant screenings and
19 apply preventive dental sealants on individuals who may or may
20 not yet be patients of record, have not been previously examined
21 by a licensed dentist, or do not have a treatment plan



1 prescribed by a licensed dentist, when under the general
2 supervision of a licensed dentist in a school-based oral health
3 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 upon its approval.



S.B. NO. 2476
H.D. 2
C.D. 1

APPROVED this **27th** day of **June**, 2024





GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI'I

Date: May 1, 2024
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2024.


President of the Senate


Clerk of the Senate

SB No. 2476, HD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2024
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2024.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives