

ACT 166

S.B. NO. 2586

A Bill for an Act Relating to Professional and Vocational Licensing.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that there is a need to attract additional dental care providers who are willing to work in nonprofit health centers that serve low-income and uninsured communities statewide. Presently, Kokua Kalihi Valley, Kalihi Palama Health Center, Kauai Community Health Center, Bay Clinic, Waianae Coast Comprehensive Health Center, and Hana Community Health Center are all nonprofit federally qualified health centers that offer dental clinic services. Additional centers are expected to open dental clinics in the near future.

While Hawaii has a favorable dentist-to-population ratio in comparison with other states, nonprofit health center dental clinics have difficulty recruiting sufficient staff. The Hawaiian islands oral health task force, a coalition representing the concerns of various state government agencies, island oral health task forces, nonprofit primary care providers, the dental insurance industry, and health professional organizations, convened this past year to develop and agree on a strategy to provide the best means of enhancing the recruitment and retention of dentists and dental hygienists in dental safety net clinics in nonprofit health centers. This is expected to bring relief to many communities that have a backlog of dental treatment needs. It is believed that Hawaii does not need more dental care workers per se, rather, there is a need for more dental care workers who are willing to work in safety net dental clinics. The establishment of a community service license category would facilitate recruitment and retention of interested persons from other states, while helping to assure that high community standards of dental care are maintained.

The purpose of this Act is to ensure that more dental care providers are available to work in nonprofit health centers that serve low-income and uninsured communities statewide by creating the category of community service license for eligible dentists and dental hygienists. In addition, this Act amends statutory references to the American Dental Association's Council on Dental Education. Accreditation is now handled through an organization known as the Commission on Dental Accreditation, which operates under the auspices of the American Dental Association.

SECTION 2. Chapter 447, Hawaii Revised Statutes, is amended by adding a new section to read as follows:

“§447- **Community service license.** (a) The board of dental examiners may issue, without examination, a community service license to practice dental hygiene in the employment of a federally qualified health center, Native Hawaiian health care system, or post-secondary dental auxiliary training program accredited by the American Dental Association Commission on Dental Accreditation. Community service licensees under this section shall abide by the requirements and conditions placed upon those fully licensed under this chapter.

Eligible candidates shall:

- (1) Provide copies of documentation and credentials that include but are not limited to:
 - (A) A diploma or certificate of graduation from a dental hygiene college accredited by the American Dental Association Commission on Dental Accreditation, recognized and approved by the board; and
 - (B) Either of the following:
 - (i) A certificate or other evidence satisfactory to the board of having passed the examination of the National Board Dental Hygiene Examination, within five years of the date of request; or
 - (ii) Evidence of active clinical dental hygiene practice of not less than one thousand hours per year for the three years immediately prior to the date of request;
- (2) Provide a copy of an active, unrestricted dental hygiene practice license from another state;
- (3) Disclose to the board of dental examiners all previous and pending legal or regulatory action relating to claims of malpractice, personal, or professional misconduct; and
- (4) Pay applicable registration fees, which shall be one half of the prevailing biennial registration fee for dental hygienists.

No person who after the effective date of this section has failed to pass the license examination administered under this chapter may be issued a community service dental hygiene license.

(b) Community service licensees shall actively participate in a formal and ongoing program of clinical quality assurance.

(c) A license may be renewed annually, pending review and reauthorization of the board of dental examiners.

(d) A community service license authorizes the licensee to practice dental hygiene only within the employment of an eligible organization and shall be in force until the earliest of the following occurs:

- (1) The date the person leaves the employment authorized under the community service license;
- (2) The date on which the results of the license examination taken by the person under this chapter are posted by the board;
- (3) The date the community service license expires; or
- (4) The date on which the board revokes the community service license; provided that the board may revoke the community service license at any time for cause.

(e) Commissioned officers of the United States Army, the United States Navy, the United States Air Force, the United States Public Health Service, or the United States Veterans Administration practicing in a federally qualified health center or Native Hawaiian health systems center, shall qualify for a community

service license to practice dental hygiene, which may be issued for the term of the dental hygienists federal duty assignment. Officers shall provide to the board of dental examiners:

- (1) A copy of an active, unrestricted dental hygiene license from another state; and
- (2) A copy of documentation reflecting official duty assignment to a qualifying community service dental hygiene license site.”

SECTION 3. Chapter 448, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§448- Community service license. (a) The board of dental examiners may issue, without examination, a community service license to practice dentistry in the employment of a federally qualified health center, Native Hawaiian health systems center, or post-secondary dental auxiliary training program accredited by the American Dental Association Commission on Dental Accreditation. Community service licensees under this section shall abide by the requirements and conditions placed upon those fully licensed under this chapter.

Eligible candidates shall:

- (1) Provide copies of documentation and credentials that include but are not limited to:
 - (A) A diploma or certificate of graduation from a dental college accredited by the American Dental Association Commission on Dental Accreditation, recognized and approved by the board; and
 - (B) Either of the following:
 - (i) A certificate or other evidence satisfactory to the board of having passed part II of the National Board Dental Examination within five years of the date of request; or
 - (ii) Evidence of active practice of clinical dentistry of not less than one thousand hours per year for the three years immediately prior to the date of request;
- (2) Provide a copy of an active, unrestricted dental practice license from another state;
- (3) Disclose to the board of dental examiners all previous and pending legal or regulatory action relating to claims of malpractice, or personal or professional misconduct; and
- (4) Pay applicable registration fees, which shall be one half of the prevailing biennial registration fee for dentistry.

No person who after the effective date of this Act has failed to pass the license examination administered under this chapter shall have the benefit of a community service dental license.

(b) Community service licensees shall actively participate in a formal and ongoing program of clinical quality assurance.

(c) A license may be renewed annually, pending review and reauthorization of the board of dental examiners.

(d) A community service license authorizes the licensee to practice dentistry only within the employment of an eligible organization and shall be in force until the earliest of the following occurs:

- (1) The date the person leaves the employment authorized under the community service license;
- (2) The date on which the results of the license examination taken by the person under this chapter are posted by the board;
- (3) The date the community service license expires; or

- (4) The date on which the board revokes the community service license; provided that the board may revoke the community service license at any time for cause.

(e) Commissioned officers of the United States Army, the United States Navy, the United States Air Force, the United States Public Health Service, or the United States Veterans Administration practicing in a federally qualified health center or Native Hawaiian health systems center shall qualify for a community service license to practice dentistry, which may be issued for the term of the officer's federal duty assignment. Officers shall provide to the board of dental examiners:

- (1) A copy of an active, unrestricted dental practice license from another state; and
- (2) A copy of documentation reflecting official duty assignment to a qualifying community service dental license site."

SECTION 4. Section 448-9, Hawaii Revised Statutes, is amended to read as follows:

“§448-9 Application for examination for graduates of dental colleges accredited by the American Dental Association[;] Commission on Dental Accreditation. Any person of eighteen years or more shall be eligible to take an examination before the board upon submission of:

- (1) An application on a form prescribed by the board to the executive secretary of the board not later than sixty days prior to the date of the scheduled examination;
- (2) Application and examination fees; and
- (3) Documentation and credentials that shall include but are not limited to the following:
 - (A) A diploma or certificate of graduation from a dental college accredited by the [~~Council of Dental Education of the~~] American Dental Association[;] Commission on Dental Accreditation, recognized and approved by the board; and
 - (B) A certificate or other evidence satisfactory to the board of having passed parts I and II of the [~~examination of the~~] National Board [~~of~~] Dental [~~Examiners~~] Examination.”

SECTION 5. Section 448-9.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Any person of eighteen years or more, who is a graduate of a foreign dental school not accredited by the American Dental Association and a permanent resident of the United States shall be eligible to take an examination before the board upon submission of:

- (1) An application on a form prescribed by the board to the executive secretary of the board not later than sixty days prior to the date of the scheduled examination;
- (2) Application and examination fees; and
- (3) Documentation and credentials that shall include but are not limited to the following:
 - (A) A complete transcript of the academic and clinical dental school record of the applicant, authenticated by either the president, secretary, dean, or registrar of the educational institution;
 - (B) A legible, true copy of the dental diploma or dental degree conferred upon the applicant as evidence of the completion of the courses of dental instruction required for graduation, authen-

- ted by either the president, secretary, dean, or registrar of the educational institution;
- (C) Certification by the licensing authority of the governmental jurisdiction, wherein is located the foreign institution from which the applicant was graduated that the applicant has been admitted or licensed to practice dentistry in that foreign state, country, or political subdivision;
 - (D) A certificate or other evidence satisfactory to the board of having passed parts I and II of the [~~examination of the~~] National Board [~~of~~] Dental [~~Examiners;~~] Examination; and
 - (E) Other documentation and credentials as may be required by the board.’’

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 7. This Act shall take effect upon its approval and shall be repealed on July 1, 2009; provided that sections 448-9 and 448-9.5, Hawaii Revised Statutes, shall be reenacted in the form in which they read on the day before the approval of this Act.

(Approved July 2, 2004.)

Note

1. Edited pursuant to HRS §23G-16.5.