

ACT 83

H.B. NO. 563

A Bill for an Act Relating to Dental Hygienists.

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

SECTION 1. The legislature finds that dental hygienists are highly-trained, important members of an oral health team who administer a range of oral health services to patients. However, under current law, licensed dental hy-

gienists must operate under the direct supervision of a licensed dentist in most circumstances, meaning that a supervising licensed dentist must examine and diagnose the condition to be treated, authorize each procedure, and remain in the office or facility while the act or procedure is being performed.

The legislature further finds that when a dental hygienist operates under general supervision, the supervising licensed dentist must still examine and diagnose the condition to be treated and authorize each procedure to be carried out, but the dentist is not required to be physically present during the delegated act or procedure. Under general supervision, the dentist must be available for consultation even if not physically present during the delegated act or procedure and is responsible for all delegated acts and procedures performed by the licensed dental hygienist. Permitting licensed dental hygienists to operate under general supervision, rather than direct supervision, when treating patients of record with an established treatment plan will give dentists more flexibility in their practices, enable the dentistry profession to keep pace with increased patient need, and maintain safeguards for patients.

Accordingly, the purpose of this Act is to permit licensed dental hygienists in the State to operate under the general supervision of a licensed dentist in specified circumstances.

SECTION 2. Section 447-1, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

“(f) No person shall practice dental hygiene, either gratuitously or for pay, or shall offer or attempt so to practice, or shall advertise or announce publicly or privately as being prepared or qualified so to practice without having a license as provided in this section. The original or a copy of the certificate of licensure shall be prominently displayed at all times in the workplace where the dental hygienist is employed or practices. A dental hygienist’s pocket identification card shall be readily available for viewing upon request to ensure the license is current. A licensed dental hygienist shall practice only under the supervision of a licensed dentist as provided in this chapter; provided that a licensed dental hygienist ~~shall administer~~:

- (1) May administer under the direct supervision of a licensed dentist only those categories of intra-oral block anesthesia listed in the course content submitted to the board pursuant to subsection (a)[-];
- (2) May practice under the general supervision of a licensed dentist and pursuant to an existing treatment plan with respect to patients of record who have had an examination by the licensed dentist; provided that a licensed dental hygienist shall not perform any irreversible procedure or administer any intra-oral block anesthesia under general supervision; and
- (3) May practice under the direct supervision of a licensed dentist as provided in this chapter.”

SECTION 3. Section 447-3, Hawaii Revised Statutes, is amended by amending subsections (b), (c), and (d) to read as follows:

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

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the teeth or tissues of the mouth; provided that nothing in this subsection shall prohibit a dental hygienist from using or applying topically any chemical agent which has been approved in writing by the department of health for any of the purposes set forth in part V of chapter 321, and other procedures delegated by a dentist in accordance with the rules of the board of dental examiners.

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

(c) A licensed dental hygienist may operate in the office of any licensed dentist, or legally incorporated eleemosynary dental dispensary or infirmary, private school, welfare center, hospital, nursing home, adult day care center or assisted living facility, mental institution, nonprofit health clinic, or in any building owned or occupied by the State or any county, but only under the aforesaid employment and under the direct or general supervision of a licensed dentist; ~~provided that in the private practice of dentistry, the hygienist shall be under the direct supervision of a licensed dentist.~~ as provided in section 447-1(f). No dental hygienist may establish or operate any separate care facility which exclusively renders dental hygiene services.

(d) A licensed dental hygienist may operate under the ~~general or direct~~ supervision as provided in section 447-1(f) of any licensed dentist providing dental services in a public health setting. As used in this subsection, "public health setting" includes dental services in a legally incorporated eleemosynary dental dispensary or infirmary, private school, welfare center, hospital, nursing home, adult day care center or assisted living facility, mental institution, nonprofit health clinic, or the State or any county. A licensed dental hygienist employed in a public health setting may perform dental education, dental screenings, and fluoride applications. Other permissible duties shall be pre-screened and authorized by a supervising licensed dentist, subject to the dentist's determination that the equipment and facilities are appropriate and satisfactory to carry out the recommended treatment plan. No direct reimbursements shall be provided to licensed dental hygienists."

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

SECTION 5. This Act shall take effect on July 1, 2017.

(Approved July 5, 2017.)