

ACT 67

S.B. NO. 2280

A Bill for an Act Relating to Dental Assistants.

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

SECTION 1. The legislature finds that, according to a 2016 report by the department of health, nearly one in four third graders in Hawaii has untreated tooth decay, the highest rate in the nation. More than sixty per cent of all children in Hawaii lack protective dental sealants, which are a safe and cost-effective intervention to prevent tooth decay in molar teeth.

The legislature further finds that this lack of access to sufficient dental care has led to devastating health outcomes among children, especially those in Native Hawaiian and Pacific Islander communities. The high rate of tooth decay among Hawaii's keiki can lead to significant pain that interferes with daily activities, such as eating, learning, and socializing. Untreated cavities also increase the risk of more serious infection in the mouth and body.

The legislature also finds that the State lacks adequate and accessible dental public health infrastructure, especially on the neighbor islands. The 2015 Hawaii Oral Health Key Findings report by the department of health suggests multiple strategies to address the lack of adequate dental public health infrastructure, including the development of community and school-based dental disease prevention programs for all age groups, continued support and expansion of affordable and accessible preventive dental care services to the State's low-income population, and further exploration of innovative, evidence-based strategies to expand access to underserved, high-risk populations.

The legislature additionally finds that dental assistants could play an important role in improving access to dental health care across the State. Although the Hawaii Dental Practice Act allows dental hygienists to practice under the general supervision of a dentist in public health settings, dental assistants are prohibited from providing auxiliary support except under direct supervision. This undermines the efficacy of dental assistants in public health settings and limits the reach and sustainability of community dental programs.

The legislature further finds that, according to the Oral Health Workforce Research Center, eight states, including Alaska, Arizona, Maine, Maryland, Nebraska, New Mexico, Oregon, and Wyoming, allow dental assistants to perform some tasks under indirect or general supervision without licensure, registration, or representation on the state board of dentistry. Allowing dental assistants to provide limited, but essential, auxiliary support under general supervision while in public health settings would contribute to the development and sustainable implementation of community-based dental disease prevention programs. This would also expand providers' ability to offer adequate and accessible oral health services to rural communities and the State's most vulnerable residents.

The purpose of this Act is to allow dental assistants to perform limited, essential duties under the general supervision of a dentist in public health settings.

SECTION 2. Chapter 448, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§448- Supervision in public health settings. (a) A dental assistant may operate under the general supervision of any dentist licensed under this chapter to provide auxiliary support dental services in a public health setting.

(b) General supervision shall be permitted in a public health setting; provided that:

- (1) The supervising dentist is licensed under this chapter and available for consultation;
- (2) The dental assistant is working under the direction of a dental hygienist licensed under chapter 447; and
- (3) The licensed dental hygienist is under the supervision of a licensed dentist.

(c) A dental assistant working under the general supervision of a licensed dentist and the direction of a licensed dental hygienist who is under the general supervision of a licensed dentist may perform the following supportive dental procedures:

- (1) Taking intra-oral and extra-oral photographs, and recording or charting clinical findings as directed by the licensed dental hygienist;
- (2) Exposing, processing, mounting, and labeling radiographs;
- (3) Measuring and recording vital signs;
- (4) Assisting the licensed dental hygienist who is performing a dental procedure on a patient, such as:
 - (A) Preparing procedural trays and armamentaria;
 - (B) Retracting a patient’s oral tissues to maintain the field of operation during a dental procedure;
 - (C) Removing debris, as is normally created and accumulated during or after dental procedures by the licensed dental hygienist; and
 - (D) Transferring dental instruments or any other concept of four-handed dentistry the licensed dental hygienist requires to perform the procedure; and
- (5) Assisting the licensed dental hygienist in the performance of the duties of the dental hygienist as requested; provided that the assistance does not include procedures listed in Hawaii Administrative Rules, sections 16-79-69.5 and 16-79-69.10;

provided that the dental assistant, licensed dental hygienist, and licensed dentist are providing dental services in a public health setting.

(d) The supervising licensed dentist shall be responsible for all delegated acts performed by the dental assistant.

(e) As used in this section, “public health setting” has the same meaning as defined in section 447-3.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.