

OVERVIEW

THE AUDITOR
STATE OF HAWAII

Sunset Evaluation Update: Dental Hygienists

Summary

We evaluated the regulation of dental hygienists under Chapter 447, Hawaii Revised Statutes, and conclude that the public interest is best served by reenactment of the statute. We found that continued regulation of dental hygienists is needed. If practiced incompetently, the occupation has a significant potential for harm to consumers.

Dental hygienists perform oral prophylaxis (cleaning teeth, polishing them, and massaging the gums). They apply fluoride, give instructions on tooth care, and perform other procedures to assist the dentist.

The eleven-member Board of Dental Examiners—eight dentists, one dental hygienist, and two public members—regulates the occupation. The board is administratively attached to the Department of Commerce and Consumer Affairs. The department's Professional and Vocational Licensing Division provides administrative services to the board, and the Regulated Industries Complaints Office handles consumer complaints and pursues legal action when appropriate.

Since our last sunset evaluation in 1984, improvements have been made in the regulatory program. Additional improvements are needed in several areas. The statute contains provisions that are unfair (requiring direct supervision of dental hygienists in private dental practices and only general supervision in other settings); restrictive (requiring dental hygienists licensed elsewhere to pass Hawaii's examinations); unclear (apparently allowing some dental hygienists to perform intra-oral infiltration local anesthesia without proof of qualifications); and unnecessary (requiring dental hygienists to report the name and location of their employer). We also found that dental hygienists need greater representation on the Board of Dental Examiners.

We also found that the board's rules require dental hygienists to pass a state written examination that duplicates the national board examination. In addition, documents required from license applicants are of questionable reliability; the personal photograph requirement is potentially discriminatory; some application instructions are incorrect; and minutes of many of the board's executive sessions are missing.

Recommendations and Response

We recommend that the Legislature reenact Chapter 447, Hawaii Revised Statutes, to continue the regulation of dental hygienists. The Legislature should consider reenacting the statute for ten years. In so doing, the Legislature should also consider amending it to allow all dental hygienists to perform routine dental hygiene under the general supervision of a dentist; allow licensure by credentials of dental hygienists from other states; clarify that dental hygienists must be certified to administer intra-oral infiltration local anesthesia; eliminate the requirement that dental hygienists inform the board of their place of employment and name of employer; and substitute two dental hygienist members for two dentist members on the Board of Dental Examiners.

We also recommend that the board eliminate the state written examination for dental hygienists and the personal photograph; require educational records and test results to be sent directly to the board from the school or testing organization or hand-carried with a seal; and delete references in the application instructions to a laws examination that no longer exists.

The Board of Dental Examiners concurs that Chapter 447 should be reenacted, that dental hygienists should not be required to report their place of employment and the name of their employer, and that the state written examination should be eliminated. The board does not agree that all dental hygienists should be able to practice under general supervision, that licensure by credentials should be allowed, or that two dental hygienists should be substituted for two dentists on the board. We believe that these recommendations are necessary to achieve fairness and a more balanced board composition. We amended our preliminary draft report to address board concerns about our recommendation on intra-oral infiltration local anesthesia.

The Department of Commerce and Consumer Affairs agrees that the personal photograph should be deleted (not because of discrimination, but because it is neither necessary nor efficient); that the application instructions should be corrected; and that executive session minutes should be maintained. The department will consider our recommendation to improve the reliability of license application documents but is concerned that this might raise costs and delay the application process. We believe that our recommendations would both improve reliability and smooth the process.

Marion M. Higa
State Auditor
State of Hawaii

Office of the Auditor
465 South King Street, Room 500
Honolulu, Hawaii 96813
(808) 587-0800
FAX (808) 587-0830