

Auditor's Summary

Sunrise Analysis: Regulation of Dental Assistants

Report No. 18-02



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IN REPORT NO. 18-02, *Sunrise Analysis: Regulation of Dental Assistants*, we evaluated whether the profession of dental assisting should be regulated by the State of Hawai'i. We found that several tasks routinely performed by dental assistants in Hawai'i pose a reasonable risk of injury to patients and therefore should be regulated under the criteria established by the Legislature in the Hawai'i Regulatory Licensing Reform Act. These tasks include using dental instruments with a sharp tip or blade that can harm a patient's soft gum tissue; applying materials used to make impressions which could cause patients to choke or aspirate; and sterilizing and disinfecting dental instruments, which, if improperly done, could transfer infectious disease to patients. Hawai'i law requires the State to regulate professions or vocations when the health, safety, or welfare of the consumer may be jeopardized by the nature of the service offered by the provider.

However, a number of tasks that dental assistants in Hawai'i are allowed to perform do not appear to pose a reasonable threat to patient health and safety; for that reason, we recommend that the State consider a tiered regulatory framework, requiring dental assistants who perform those tasks that may jeopardize patient safety to be credentialed by the State. Such a model would not regulate dental assistants who do not perform those functions that potentially may harm dental patients. Tiered regulatory frameworks have been adopted by many other states; we have provided several examples in the appendix of this report.

Hawai'i Regulatory Licensing Reform Act

The Hawai'i Regulatory Licensing Reform Act requires the Auditor to analyze proposed regulatory measures that, if enacted, would subject unregulated professions and vocations to licensing or other regulatory controls. The policies that the Legislature adopted regarding regulation of professions and vocations are as follows:

The State may regulate

professions and vocations only where reasonably necessary to protect the health, safety, or welfare of consumers, and not that of the regulated profession or vocation;

The State must regulate

professions or vocations when the health, safety, or welfare of the consumer may be jeopardized by the nature of the service offered by the provider;

Evidence of abuses by providers of the service must be given great weight in determining whether regulation is desirable;

Regulation must be avoided if it will artificially increase the cost of goods and services to consumers, except in cases where this cost is exceeded by the potential danger to the consumer;

Regulation must not unreasonably restrict entry into professions and vocations by all qualified persons; and

Aggregate costs for regulation and licensure must not be less than the full costs of administering that program.

