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This report is filed pursuant to Act 231, 2002 Hawaii Session Laws ("Act 231"), which requires the Board of Dental Examiners ("Board") to evaluate the amendments made to section 447-3, Hawaii Revised Statutes ("HRS"), by Act 231 as to the safety and efficacy of enabling licensed dental hygienists to operate under the general or direct supervision of a licensed dentist in public health settings. Act 231 also requires the Board to submit a report on its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days before the convening of the regular session of 2007.

As background information, prior to Act 231, HRS §447-3 stipulated that only in the following settings could a dental hygienist practice under general or direct supervision by a dentist: a legally eleemosynary dental dispensary or infirmary, private school, welfare center, or any State or County office. In all other settings, direct supervision by the dentist was required. *The major distinction between direct supervision and general supervision is that for general supervision, the supervising dentist is not required to be in the office, but must be available for consultation.* Also, prior to Act 231, HRS §447-3 did not enumerate specific services that a dental hygienist could perform in the above listed settings.

Act 231 amended HRS §447-3 whereby the settings in which a dental hygienist could operate under the general supervision of a licensed dentist was expanded to include a hospital, nursing home, adult day care center or assisted living facility, mental institution, or nonprofit health clinic. *Hereafter, these settings shall be referred to as "public health settings".* Further, the following services were authorized to be performed by the licensed dental hygienist under general supervision in such settings: dental education, dental screenings, and fluoride applications. Other duties may be permitted, provided they were pre-screened and authorized by the supervising licensed dentist and subject to the dentist's determination that the equipment and facilities were appropriate and satisfactory to carry out the recommended treatment plan. Act 231 also made clear that expanded services by dental hygienists in settings set forth in HRS §447-3 were not eligible for direct reimbursement.

Four (4) years after the enactment of Act 231, the Board evaluated dental services performed in public health settings as to whether dental hygienists were operating under the general or direct supervision of licensed supervising dentists and whether the amendments to HRS §447-3 resulted in safe and effective dental services to patients in public health settings. The Board sought the assistance of the Hawaii Dental Association ("HDA") and the Hawaii Dental Hygienists' Association ("HDHA") to survey their membership on these key issues. Results of the survey indicated that dental services to patients were still very safe and effective as dental hygienists worked under general or direct supervision of licensed dentists in public health settings. A majority of the supervising dentists reported having provided general supervision, and one provided direct supervision. Further, responses from those working in public health settings were very positive. No negative responses were reported. Lastly, while not within the scope of the Board's evaluation, dentists who responded that they only provide dental services in private practice said for the most part that the provisions of HRS §447-3 permitting general supervision in public health settings are good concepts which could also work in a private setting.

The Board also queried the Regulated Industries Complaints Office ("RICO") as to whether any complaints have been filed relating to the amendments in Act 231. Based on RICO's records, no complaints have been filed as a result of Act 231.

Based on this information, the Board of Dental Examiners finds that the amendments made to HRS §447-3 as a result of Act 231, are working well. Therefore, the Board recommends no changes to HRS §447-3 thereby allowing the continuance of the provision permitting a dental hygienist to operate under the general or direct supervision of a licensed dentist. Further, the Board is not recommending any other legislative changes at this time.