
A BILL FOR AN ACT

RELATING TO DENTISTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 448-17, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) The board shall refuse to issue a license to any
4 applicant who fails to meet all of the requirements imposed by
5 this chapter and may refuse to issue a license to any applicant
6 who has previously committed any act [~~which~~] that would, if
7 committed by a licensee, result in the revocation or suspension
8 of the license.

9 In addition to any other actions authorized by law, the
10 board may suspend or revoke any license issued under this
11 chapter and may fine a licensee for any cause authorized by law,
12 including but not limited to the following:

- 13 (1) Fraud in procuring license;
- 14 (2) Habitual intoxication or addiction to the use of
15 drugs;
- 16 (3) Wilful or repeated violations of the rules of the
17 department of health;



- 1 (4) Acceptance of a fee for service as a witness, without
2 the knowledge of the court, in addition to the fee
3 allowed by the court;
- 4 (5) Division of fees or agreeing to split or divide the
5 fees received for dental services with any person for
6 bringing or referring a patient;
- 7 (6) Assisting in the care or treatment of a patient,
8 without the knowledge of the patient or the patient's
9 legal representative;
- 10 (7) Employing, procuring, inducing, aiding, or abetting a
11 person not licensed or registered as a dentist to
12 engage in the practice of dentistry;
- 13 (8) Making any misrepresentations or false promises,
14 directly or indirectly, to influence, persuade, or
15 induce dental patronage;
- 16 (9) Professional connection or association with, or
17 lending one's name to another for, the illegal
18 practice of dentistry by another, or professional
19 connection or association with any person, firm, or
20 corporation holding ~~[oneself, themselves, or itself]~~
21 the person, firm, or corporation out in any manner
22 contrary to this chapter;



1 (10) By false or fraudulent representations, obtaining or
2 seeking to obtain practice or money or any other thing
3 of value;

4 (11) Practicing, either in the State or elsewhere, under a
5 name other than one's own;

6 (12) Any other improper, unprofessional, or dishonorable
7 conduct in the practice of dentistry; [~~and~~]

8 (13) Violation of section 447-4[-]; and

9 (14) False or misleading advertising not otherwise provided
10 for under this subsection, which shall include but not
11 be limited to:

12 (A) Advertising to the public the practicing of a
13 dental specialty of which the dentist has not
14 successfully completed the education prescribed
15 for that dental specialty by the American Dental
16 Association; and

17 (B) Advertising through the use of the words
18 "endodontist", "orthodontist", "oral and
19 maxillofacial surgeon", "specialist", "board
20 certified", "diplomat", "practice limited to",
21 "pediatric dentist", "periodontist", or "limited
22 to specialty of", when the dentist has not

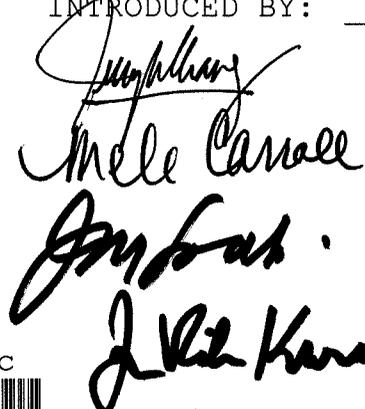
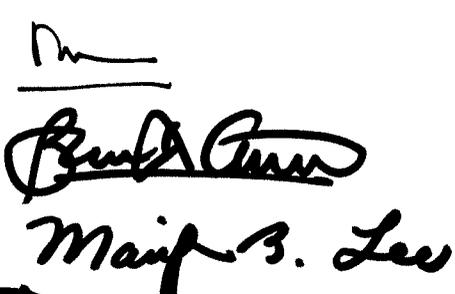


1 successfully completed the education prescribed
2 for that dental specialty by the American Dental
3 Association;
4 provided that this paragraph shall not apply to a
5 dentist who advertises that the dentist is qualified
6 in a recognized specialty area of dental practice; and
7 provided further that each advertisement, regardless
8 of form, contains a prominent disclaimer that the
9 dentist is a general dentist or that the specialty
10 services are performed by a general dentist."

11 SECTION 2. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun, before its effective date.

14 SECTION 3. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 4. This Act shall take effect upon its approval.
17

INTRODUCED BY: Kirk Caldwell



Report Title:

Dentistry

Description:

Authorizes the board of dental examiners to sanction licensees for false or misleading advertising.

