
A BILL FOR AN ACT

RELATING TO DENTISTS.

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

1 SECTION 1. Section 448-1, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§448-1 Dentistry defined; exempted practices.** A person
4 practices dentistry, within the meaning of this chapter, who
5 represents oneself as being able to diagnose, treat, operate or
6 prescribe for any disease, pain, injury, deficiency, deformity,
7 or physical condition of the human teeth, alveolar process,
8 gums, or jaw, or who offers or undertakes by any means or
9 methods to diagnose, treat, operate or prescribe for any
10 disease, pain, injury, deficiency, deformity, or physical
11 condition of the same, or to take impressions of the teeth or
12 jaws; or who owns, maintains, or operates an office for the
13 practice of dentistry; or who engages in any of the practices
14 included in the curricula of recognized and approved dental
15 schools or colleges. Dentistry includes that part of health
16 care concerned with the diagnosis, prevention, and treatment of
17 diseases of the teeth, oral cavity, and associated structures



1 including the restoration of defective or missing teeth. The
2 fact that a person uses any dental degree, or designation, or
3 any card, device, directory, poster, sign, or other media
4 whereby one represents oneself to be a dentist, shall be prima
5 facie evidence that the person is engaged in the practice of
6 dentistry.

7 The following practices, acts, and operations, however, are
8 exempt from the operation of this chapter:

9 (1) The rendering of dental relief in emergency cases in
10 the practice of one's profession by a physician or
11 surgeon, licensed as such and registered under the
12 laws of this State, unless one undertakes to reproduce
13 or reproduces lost parts of the human teeth in the
14 mouth or to restore or replace in the human mouth lost
15 or missing teeth;

16 (2) The practice of dentistry in the discharge of their
17 official duties by dentists in the United States Army,
18 the United States Navy, the United States Air Force,
19 the United States Public Health Service, or the United
20 States Veterans Administration;

21 (3) The practice of dentistry by licensed dentists of
22 other states or countries at meetings of the Hawaii



1 Dental Association or component parts thereof, alumni
2 meetings of dental colleges, or any other like dental
3 organizations, while appearing as clinicians;

4 (4) The use of roentgen and other rays for making
5 radiograms or similar records of dental or oral
6 tissues; [~~and~~]

7 (5) The making of artificial restorations, substitutes,
8 appliances, or materials for the correction of
9 disease, loss, deformity, malposition, dislocation,
10 fracture, injury to the jaws, teeth, lips, gums,
11 cheeks, palate, or associated tissues, or parts, upon
12 orders, prescription, casts, models, or from
13 impressions furnished by a Hawaii licensed dentist[~~-~~];
14 and

15 (6) The ownership and management of a dental practice by
16 the executor or administrator of a dentist's estate or
17 the legal guardian or authorized representative of a
18 dentist, where the licensed dentist has died or is
19 incapacitated, for the purpose of winding down,
20 transferring, or selling the practice, for a period
21 not to exceed one year from the time of death or from
22 the date the dentist is declared incapacitated;



1 provided that all other aspects of the practice of
2 dentistry are performed by one or more licensed
3 dentists."

4 SECTION 2. Section 448-2, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§448-2 Practice without license prohibited.** No person
7 shall practice dentistry or dental surgery in the State, either
8 gratuitously or for pay, or shall offer to so practice or shall
9 advertise or announce oneself, either publicly or privately, as
10 prepared or qualified to so practice, or append the letters
11 "D.D.S.", "D.M.D.", "Dr.", "L.D.S.", or any other dental degree
12 to the person's name with intent thereby to imply that the
13 person is a practitioner of dentistry or a dental surgeon,
14 without having a valid, unrevoked license from the board of
15 dental examiners[-]; provided that this section shall not apply
16 to an executor, administrator, legal guardian, or authorized
17 representative contracting with a licensed dentist or dentists
18 to continue the practice of a deceased or incapacitated dentist
19 under section 448- ."

20 SECTION 3. This Act does not affect rights and duties that
21 matured, penalties that were incurred, and proceedings that were
22 begun, before its effective date.



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Dentist; Probate; Independent Administration

Description:

Allows the executor or administrator of a dentist's estate or the legal guardian or authorized representative of a dentist to wind down, transfer, or sell the practice of the deceased or incapacitated dentist for up to one year; provided that all other aspects of the practice are performed by a licensed dentist. (HB770 HD1)

