

JAN 17 2007

A BILL FOR AN ACT

RELATING TO DENTISTS.

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

1 SECTION 1. Chapter 448, Hawaii Revised Statutes, is
2 amended by adding a new section to read as follows:

3 "§448- Death or incapacitation of dentist. (a) The
4 executor or administrator of a dentist's estate or the legal
5 guardian or authorized representative of a dentist may contract
6 with a licensed dentist or dentists to continue the operations
7 of the deceased or incapacitated dentist's practice for a period
8 not to exceed one year from the time of death or when a court
9 declares incapacitation of the dentists or until the practice is
10 sold; provided that all of the following conditions are met
11 before there is continuation of the dental practice:

12 (1) The executor, administrator, legal guardian, or
13 representative files with the department of commerce
14 and consumer affairs a written notice of the death or
15 incapacitation of the dentist on a form approved by
16 the department and shall include at least the name,
17 address, and license number of the deceased or



1 incapacitated dentist and the name or names of all
2 dentists that will continue the operations; and

3 (2) Within thirty days of the death or determination of
4 incapacitation of the dentist, the executor,
5 administrator, legal guardian, or legal representative
6 shall send a notification of the death or
7 incapacitation of the dentist, by mail, to the last
8 known address of each patient who had been treated by
9 the dentist within the last twelve months, indicating
10 how dental records may be obtained and may also
11 include information about the temporary continuation
12 of the practice.

13 (b) The department of commerce and consumer affairs may
14 discontinue the practice allowed under this section if there is
15 any violation of this chapter, after a contested case hearing,
16 or if the continuation of the practice is an immediate threat to
17 public health, safety, or welfare."

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

20 "**§448-2 Practice without license prohibited.** No person
21 shall practice dentistry or dental surgery in the State, either
22 gratuitously or for pay, or shall offer to so practice or shall

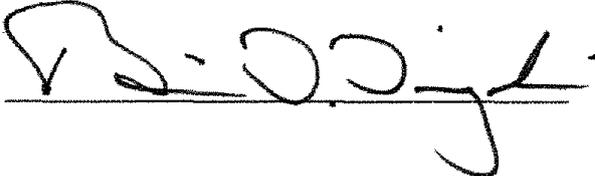


1 advertise or announce oneself, either publicly or privately, as
 2 prepared or qualified to so practice, or append the letters
 3 "D.D.S.", "D.M.D.", "Dr.", "L.D.S.", or any other dental degree
 4 to the person's name with intent thereby to imply that the
 5 person is a practitioner of dentistry or a dental surgeon,
 6 without having a valid, unrevoked license from the board of
 7 dental examiners[-]; provided that this section shall not apply
 8 to an executor, administrator, legal guardian, or authorized
 9 representative contracting with a licensed dentist or dentists
 10 to continue the practice of a deceased or incapacitated dentist
 11 under section 448- ."

12 SECTION 3. This Act does not affect rights and duties that
 13 matured, penalties that were incurred, and proceedings that were
 14 begun, before its effective date.

15 SECTION 4. Statutory material to be repealed is bracketed
 16 and stricken. New statutory material is underscored.

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

18
 INTRODUCED BY: 



Report Title:

Dentist; Probate; Independent Administration

Description:

Allows for the independent administration of a deceased dentist's estate.

