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**PRESENTATION OF
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
REGULATED INDUSTRIES COMPLAINTS OFFICE**

**TO THE SENATE COMMITTEE ON
JUDICIARY AND LABOR**

**TWENTY-EIGHTH STATE LEGISLATURE
REGULAR SESSION, 2015**

**WEDNESDAY, MARCH 4, 2015
9:15 A.M.**

**WRITTEN TESTIMONY ONLY
ON
TESTIMONY ON SENATE BILL NO. 725 S.D.1
RELATING TO DENTISTRY**

**TO THE HONORABLE GILBERT S.C. KEITH-AGARAN, CHAIR,
AND TO THE HONORABLE MAILE S.L. SHIMABUKURO, VICE CHAIR,
AND MEMBERS OF THE COMMITTEE:**

The Department of Commerce and Consumer Affairs ("Department") appreciates the opportunity to testify on Senate Bill No. 725 S.D.1, Relating to Dentistry. My name is Daria Loy-Goto, Complaints and Enforcement Officer for the Department's Regulated Industries Complaints Office ("RICO"). RICO offers the following comments in support of the bill.

Senate Bill No. 725 S.D.1 authorizes the Board of Dental Examiners ("Board") to summarily suspend a license upon a specific determination that failure to take action may result in an immediate and unreasonable threat to personal safety or fraud or misrepresentation upon consumers. The bill specifies the contents for an order of summary suspension, the means of service of an order for summary suspension, and the length of time a summary suspension order remains in effect.

Senate Bill No. 725 S.D.1 also affords the licensee an opportunity for a hearing if a summary suspension order is issued. In addition, the bill mandates that any attempt to practice or continuation of the practice of dentistry while the license is summarily suspended shall constitute grounds for revocation of the license. The bill's language is substantially similar to §453-8.4, Hawaii Revised Statutes, which allows the Hawaii Medical Board to summarily suspend a physician's license.

Senate Bill No. 725 S.D.1 will enable the Board to respond swiftly and appropriately for the protection of consumers by summarily suspending a license. RICO recognizes the unusual circumstances in which a request for summary suspension may be made, but believes such a remedy is sometimes necessary to protect patients.

Thank you for the opportunity to testify on Senate Bill No. 725 S.D.1. I will be happy to answer any questions the members of the Committee may have.

**PRESENTATION OF THE
BOARD OF DENTAL EXAMINERS**

TO THE SENATE COMMITTEE ON
JUDICIARY AND LABOR

TWENTY-EIGHTH LEGISLATURE
Regular Session of 2015

Wednesday, March 4, 2015
9:15 a.m.

WRITTEN COMMENTS ONLY

TESTIMONY ON SENATE BILL NO. 725, S.D. 1, RELATING TO DENTISTRY.

TO THE HONORABLE GILBERT S.C. KEITH-AGARAN, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Mark Baird, D.D.S., Chair of the Board of Dental Examiners ("Board"). The Board appreciates the opportunity to offer written comments on Senate Bill No. 725, S.D. 1, Relating to Dentistry.

The purpose of Senate Bill No. 725, S.D. 1, is to authorize the Board of Dental Examiners ("Board") to summarily suspend a license.

The Board supports the intent of this bill but believes provisions are already in place in Chapter 436B, Hawaii Revised Statutes ("HRS"), Professional and Vocational Licensing Act, which may adequately fulfill the purpose of this measure. Senate Draft 1 now proposes to add a summary suspension provision to the dental statutes in Chapter 44, HRS. The Board asks whether the existing summary suspension provision in section 436B-23, HRS, that affects all professions and licenses under the jurisdiction of the Professional and Vocational Licensing Division of the Department of Commerce and Consumer Affairs offers sufficient enforcement provisions. In addition, the Board

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believes that section 436B-27, HRS, and 436B-26.5, HRS, currently authorizes the Regulated Industries Complaints Office (“RICO”) to address unlicensed activities.

Thank you for the opportunity to offer written comments on Senate Bill No. 725, S.D. 1.