
A BILL FOR AN ACT

RELATING TO DENTISTRY.

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

1 SECTION 1. The legislature finds that state laws should
2 protect consumers from false and misleading advertising of
3 dental services, especially when those services are targeted to
4 pediatric patients. In 2013, three-year old Finley Boyle
5 suffered a heart attack after being administered a number of
6 oral sedatives at a dentist's office in Kailua. The dentist in
7 question did not possess a specialty license to practice
8 pediatric dentistry, but was allowed to use the phrase
9 "dentistry for children" in her business name and signage.

10 The purpose of this Act is protect dental patients and
11 their families from false and misleading advertising by:

12 (1) Clarifying that a dentist who has not successfully
13 completed the education specified for the dental
14 specialty as defined by the American Dental
15 Association may be subject to suspension, revocation,
16 or payment of a fine if the dentist uses words or



1 phrases in advertising that are similar to the
2 existing list of prohibited words or phrases; and
3 (2) Expanding the prohibited words or phrases to include
4 "dentistry for children".

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

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

- 11 (1) Fraud in procuring license;
- 12 (2) Habitual intoxication or addiction to the use of
13 drugs;
- 14 (3) Wilful or repeated violations of the rules of the
15 department of health;
- 16 (4) Acceptance of a fee for service as a witness, without
17 the knowledge of the court, in addition to the fee
18 allowed by the court;
- 19 (5) Division of fees or agreeing to split or divide the
20 fees received for dental services with any person for
21 bringing or referring a patient;



- 1 (6) Assisting in the care or treatment of a patient,
2 without the knowledge of the patient or the patient's
3 legal representative;
- 4 (7) Employing, procuring, inducing, aiding, or abetting a
5 person not licensed as a dentist to engage in the
6 practice of dentistry;
- 7 (8) Making any misrepresentations or false promises,
8 directly or indirectly, to influence, persuade, or
9 induce dental patronage;
- 10 (9) Professional connection or association with, or
11 lending one's name to another for, the illegal
12 practice of dentistry by another, or professional
13 connection or association with any person, firm, or
14 corporation holding oneself, themselves, or itself out
15 in any manner contrary to this chapter;
- 16 (10) By false or fraudulent representations, obtaining or
17 seeking to obtain practice or money or any other thing
18 of value;
- 19 (11) Practicing, either in the State or elsewhere, under a
20 name other than one's own;



- 1 (12) Any other improper, unprofessional, or dishonorable
- 2 conduct in the practice of dentistry;
- 3 (13) Violation of section 447-4;
- 4 (14) False or misleading advertising not otherwise provided
- 5 for under this subsection, including:
- 6 (A) Advertising to the public as practicing a dental
- 7 specialty in which the dentist has not
- 8 successfully completed the education specified
- 9 for the dental specialty as defined by the
- 10 American Dental Association; and
- 11 (B) Using the following words or phrases in
- 12 advertising, or word or phrases similar thereto,
- 13 when the dentist has not successfully completed
- 14 the education specified for the dental specialty
- 15 as defined by the American Dental Association:
- 16 (i) "Dental public health";
- 17 (ii) "Endodontics";
- 18 (iii) "Oral and maxillofacial pathology";
- 19 (iv) "Oral and maxillofacial radiology";
- 20 (v) "Oral and maxillofacial surgery";
- 21 (vi) "Orthodontics and dentofacial orthopedics";



H.B. NO. 522

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

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H.B. NO. 562

Report Title:

Dentistry; Advertising

Description:

Clarifies that a dentist who has not successfully completed the education specified for the dental specialty as defined by the American Dental Association may be subject to license suspension or revocation or a fine if the dentist uses words or phrases in advertising that are similar to the existing list of prohibited words or phrases. Expands the prohibited words or phrases to include "dentistry for children".

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