

ACT 26

H.B. NO. 2113-86

A Bill for an Act Relating to Dentistry.

Be It Enacted by the Legislature of the State of Hawaii:

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

“§448- Filing of false information; revocation of license. The board of dental examiners shall refuse to grant a license to any applicant or shall revoke the license of any person who knowingly records, registers, or files, or offers for recordation, registration, or filing with the department of commerce and consumer affairs, any written statement which has been falsely made, completed, or altered, or in which a false entry has been made, or which contains a false statement or false information.”

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

“§448- Remedies or penalties cumulative. Unless otherwise expressly provided, the remedies or penalties provided by this chapter are cumulative to each other and to the remedies or penalties available under all other laws of this State.”

SECTION 3. Section 448-17, Hawaii Revised Statutes, is amended to read as follows:

“§448-17 Refusal, revocation, suspension, and [restoration of licenses,] administrative penalties. (a) The board of dental examiners shall refuse to issue a license to any applicant who fails to meet all of the requirements imposed by this chapter and may refuse to issue [one] a license to any applicant who has previously [done] committed any act which would, if [done] committed by a licensee, [authorize] result in the revocation or suspension of [his] the license.

The board may suspend or revoke any license issued under this chapter and may fine a licensee for any of the following reasons:

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

- (6) Assisting in the care or treatment of a patient, without the knowledge of the patient or [his] the patient's legal representative;
- (7) Employing, procuring, inducing, aiding, or abetting a person not licensed or registered as a dentist to engage in the practice of dentistry;
- (8) Making any misrepresentations or false promises, directly or indirectly, to influence, persuade, or induce dental patronage;
- (9) Professional connection or association with¹ or lending [his] one's name to another for, the illegal practice of dentistry by another, or professional connection or association with any person, firm, or corporation holding [himself,] oneself, themselves, or itself out in any manner contrary to this chapter;
- (10) By false or fraudulent representations, obtaining or seeking to obtain practice or money or any other thing of value;
- (11) Practicing, either in the State or elsewhere, under a name other than [his] one's own;
- (12) Any other improper, unprofessional, or dishonorable conduct in the practice of dentistry;
- (13) Violation of section 447-4.

[The board may restore any license revoked under this section whenever it determines that such restoration will not endanger the public health and safety or the reputation of the profession.]

(b) Any person who violates, or fails to comply with, any of the provisions of this chapter, the penalty for which is not otherwise provided, shall be fined not less than \$1,000 nor more than \$5,000."

SECTION 4. Section 448-21, Hawaii Revised Statutes, is amended to read as follows:

"§448-21 [Violating provisions;] Criminal penalties. Any person who violates, or fails to comply with, any of the provisions of this chapter, where a criminal penalty [for which] is not otherwise provided, shall be fined not more than \$500 or imprisoned not more than six months, and each day's violation or failure to comply with the provisions hereof shall be deemed a separate offense.

Upon any subsequent conviction under this section, the person shall be fined not more than \$1,000 and imprisoned not more than one year.

All tools, implements, medicines, and drugs used by any person in the practice of dentistry without a license, shall be seized by the officers of the law, and upon conviction of [such] the person [of] for any violation of this chapter, [such] the tools, implements, medicines, and drugs shall be declared forfeited to the State by the court and ordered destroyed."

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.²

SECTION 6. This Act shall take effect upon its approval.

(Approved April 14, 1986.)

Notes

1. Prior to amendment a "," appeared here.
2. Edited pursuant to HRS §23G-16.5.