

ACT 121

S.B. NO. 568

A Bill for an Act Relating to Dentists.

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

SECTION 1. Section 448-9, Hawaii Revised Statutes, is amended to read as follows:

~~“§448-9 Application for [examination for graduates of dental colleges accredited by the American Dental Association Commission on Dental Accreditation.] licensure. Any person of eighteen years or more shall be eligible [to take an examination before the board] for licensure upon submission of:~~

- (1) An application ~~[on a form prescribed by the board]~~ to the executive ~~[secretary]~~ officer of the board not later than ~~[sixty]~~ forty-five days prior to the date of the scheduled examination;
- (2) Application and examination fees; and
- (3) Documentation and credentials that shall include but are not limited to the following:
 - (A) A diploma or certificate of graduation from a dental college accredited by the American Dental Association Commission on Dental Accreditation, recognized and approved by the board; and
 - (B) A certificate or other evidence satisfactory to the board of having passed parts I and II of the National Board Dental Examination.”

SECTION 2. Section 448-10, Hawaii Revised Statutes, is amended to read as follows:

~~“§448-10 Examination; time. [The] (a) Except as provided in subsection (c), the board shall require all applicants to take the state written and practical examination on dentistry. In administering the examination the State shall consider current trends in dental education. The requirements for the examination in operative and laboratory dentistry shall be decided by the board and mailed to each applicant. All instruments, materials, and patients shall be supplied by the applicant. Two examinations shall be held each calendar year.~~

~~[If the board is unable to administer an examination, a qualified applicant for the canceled board examination shall meet the board's examination requirement if the applicant:~~

- (1) ~~Within one year prior to the canceled board examination passed a regional or state examination satisfactory to the board; or~~
- (2) ~~Prior to the board's next administered examination takes and passes a regional or state examination satisfactory to the board.]~~

~~(b) Until December 31, 2005, the board without regard to chapter 91 may develop a state written and practical examination on dentistry for the purposes of subsection (a).~~

~~(c) If the board determines that two state written and practical examinations on dentistry will not be or have not been administered pursuant to subsection (a) during the calendar year, an applicant shall be eligible for licensure under this chapter:~~

- (1) ~~If the applicant takes one of the following four regional examinations given between February 1, 2004 and the date of availability of the American Board of Dental Examiners (ADEX) examination, by:~~
 - (A) ~~The Western Regional Examining Board;~~
 - (B) ~~The Central Regional Dental Testing Service, Inc.;~~
 - (C) ~~The Southern Regional Testing Agency, Inc.;~~ or
 - (D) ~~The North East Regional Board of Dental Examiners,~~~~and passes it;~~
- (2) ~~If the applicant takes and passes the American Board of Dental Examiners (ADEX) examination approved by the board; or~~
- (3) ~~By credential under this paragraph if the applicant is a dental specialist and:~~
 - (A) ~~Has graduated from an accredited dental specialty education program in orthodontics, endodontics, pedodontics, periodontics,~~

- oral surgery, oral radiology, public health dentistry, or oral medicine/oral pathology;
- (B) Submits to the board a completed application and all required fees;
- (C) Submits to the board verification of:
 - (i) Graduation from a general dental education program accredited by the American Dental Association Commission on Dental Accreditation or the Commission on Dental Accreditation of Canada;
 - (ii) Graduation from a post-graduate specialty program accredited by the Commission on Dental Accreditation of the American Dental Association;
 - (iii) A current active license issued by another state that is not revoked, suspended, or otherwise restricted;
 - (iv) Having been lawfully engaged in the practice of dentistry for at least three years preceding the date of the application, with a minimum of one thousand hours of dentistry practice each year;
 - (v) Completion of a minimum of thirty-two hours of continuing education in the applicant's dental specialty within the preceding two-year period;
 - (vi) Not having been subject to disciplinary action by any jurisdiction in which the applicant is or has been previously licensed to practice dentistry; provided that if the applicant has been subject to disciplinary action, the board shall review that action to determine if it warrants refusal to issue a license to the applicant;
 - (vii) Not having any felony convictions of any kind and having no other criminal convictions that may affect the applicant's ability to render competent dental care;
 - (viii) Registration status with the federal Drug Enforcement Administration and submits a self-query report from the National Practitioner Data Bank; provided that the board shall review this information to determine if it warrants refusal to issue a license to the applicant; and
 - (ix) Passage of parts I and II of the National Board Dental Examination; and
- (D) Agrees to practice only as a dental specialist, within the area of the applicant's specialization."

SECTION 3. Chapter 448, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§448- American Board of Dental Examiners (ADEX) examination; regional examinations. (a)¹ Once the American Board of Dental Examiners (ADEX) examination is available and approved by the board, an applicant shall take and pass the ADEX examination, and neither the state examination nor any regional examination shall be accepted; provided that an applicant who has taken a regional examination after February 1, 2004, but prior to the availability of the ADEX examination shall be deemed to have met the board's examination requirement if the applicant passes the exam."

SECTION 4. The board of dental examiners shall make a determination and post notification on its webpage by July 15, 2005, regarding whether the two state

written and practical examinations on dentistry will be administered pursuant to subsection 448-10(a), Hawaii Revised Statutes.

SECTION 5. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.²

SECTION 7. This Act shall take effect upon its approval; provided that on the date that the board of dental examiners approves the American Board of Dental Examiners (ADEX) examination, section 448-10, Hawaii Revised Statutes, shall be repealed.

(Approved June 15, 2005.)

Notes

1. No subsection (b).
2. Edited pursuant to HRS §23G-16.5.