

ACT 131

S.B. NO. 113

A Bill for an Act Relating to Dentists.

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

SECTION 1. Section 448-4, Hawaii Revised Statutes, is amended to read as follows:

**“§448-4 Fraudulent advertising.** It shall be unlawful for any person to publish or circulate, directly or indirectly, any statements relating to the person’s practice of dentistry that are or tend to be false, fraudulent, or misleading. A violation of this section shall subject the licensee to the penalties provided in section 448-17.”

SECTION 2. Section 448-17, Hawaii Revised Statutes, is amended to read as follows:

**“§448-17 Refusal, revocation, suspension, and administrative penalties.** (a) The board 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 a license to any applicant who has previously committed any act [~~which~~ that] would, if committed by a licensee, result in the revocation or suspension of the license.

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

- (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 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 with, or lending 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 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 one's own;
- (12) Any other improper, unprofessional, or dishonorable conduct in the practice of dentistry; ~~and~~
- (13) Violation of section 447-4[-]; ~~and~~
- (14) False or misleading advertising not otherwise provided for under this subsection, including:

(A) Advertising to the public as practicing a dental specialty in which the dentist has not successfully completed the education specified for the dental specialty as defined by the American Dental Association; and

(B) Using the following words or phrases in advertising when the dentist has not successfully completed the education specified for the dental specialty as defined by the American Dental Association:

- (i) "Dental public health";
- (ii) "Endodontics";
- (iii) "Oral and maxillofacial pathology";
- (iv) "Oral and maxillofacial radiology";
- (v) "Oral and maxillofacial surgery";
- (vi) "Orthodontics and dentofacial orthopedics";
- (vii) "Pediatric dentistry";
- (viii) "Periodontics"; or
- (ix) "Prosthodontics";

provided that this paragraph shall not apply to a dentist who advertises as being qualified in a recognized specialty area of dental practice so long as each advertisement, regardless of form, contains a prominent disclaimer that the dentist is a general dentist or that the specialty services will be provided by a general dentist.

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~~[(b)]~~ (c) 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 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon approval.

(Approved June 18, 2009.)