



GOV. MSG. NO. 1128

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

May 1, 2015

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Eighth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Eighth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on May 1, 2015, the following bill was signed into law:

SB114 SD1

RELATING TO DENTISTRY
ACT 028 (15)

Sincerely,

DAVID Y. IGE
Governor, State of Hawaii

RECEIVED
THE SENATE
CLERK'S OFFICE
STATE OF HAWAII

'15 MAY -1 P6:54

RECEIVED
SENATE
OFFICE OF THE PRESIDENT

'15 MAY -1 P4:39

A BILL FOR AN ACT

RELATING TO DENTISTRY.

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

1 SECTION 1. Section 448-8.5, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "[+]§448-8.5[+] Continuing education requirements. The
4 board shall adopt a program of continuing education for dentists
5 and a program of continuing education for dental hygienists.
6 After January 1, 2002, at the time of reregistration of license
7 as a dentist or dental hygienist, each licensee shall present to
8 the board evidence of compliance with the program of continuing
9 education applicable to their profession. In addition to any
10 other continuing education requirement adopted by the board,
11 after January 1, 2016, each licensee who is a dentist shall
12 present to the board evidence of having completed at least three
13 hours of ethics training during the previous year. Failure to
14 reregister and present evidence of compliance shall constitute a
15 forfeiture of license, which may be restored only upon written
16 application therefor and payment to the board of a restoration
17 fee."



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

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

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



- 1 (7) Employing, procuring, inducing, aiding, or abetting a
2 person not licensed as a dentist to engage in the
3 practice of dentistry;
- 4 (8) Making any misrepresentations or false promises,
5 directly or indirectly, to influence, persuade, or
6 induce dental patronage;
- 7 (9) Professional connection or association with, or
8 lending one's name to another for, the illegal
9 practice of dentistry by another, or professional
10 connection or association with any person, firm, or
11 corporation holding oneself, themselves, or itself out
12 in any manner contrary to this chapter;
- 13 (10) By false or fraudulent representations, obtaining or
14 seeking to obtain practice or money or any other thing
15 of value;
- 16 (11) Practicing, either in the State or elsewhere, under a
17 name other than one's own;
- 18 (12) Any other improper, unprofessional, or dishonorable
19 conduct in the practice of dentistry;
- 20 (13) Violation of section 447-4; [and]



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



1 provided that this paragraph shall not apply to a
 2 dentist who advertises as being qualified in a
 3 recognized specialty area of dental practice so long
 4 as each advertisement, regardless of form, contains a
 5 prominent disclaimer that the dentist is a general
 6 dentist or that the specialty services will be
 7 provided by a general dentist[-]; and

8 (15) Conduct or practice contrary to recognized standards
 9 of ethics of the profession, as adopted by the
 10 American Dental Association or the Hawaii Dental
 11 Association."

12 SECTION 3. Statutory material to be repealed is bracketed
 13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect upon its approval.

APPROVED this 1 day of MAY, 2015

David Ige
 GOVERNOR OF THE STATE OF HAWAII