
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 Hawaii has a culture
2 of respecting medical professionals, including dentists, and
3 many consumers are reluctant to challenge the qualifications of
4 practitioners who hold themselves out to be licensed and duly
5 qualified. Other times, concerns may arise once the consumer
6 has begun receiving treatment, but the consumer may not know
7 where to seek information on the practitioner's licensing status
8 or how to access prior complaint history.

9 The legislature further finds that the administration of
10 general anesthesia, deep sedation, or moderate (conscious)
11 sedation during routine dental procedures is a matter that
12 requires greater oversight. While the administration of such
13 drugs can be done safely as part of a routine dental procedure,
14 it is important that efforts are made to first determine whether
15 the facilities, equipment, and staffing of the dental practice
16 are adequate to deal with a patient who may experience medical
17 complications during the procedure. Safety of patients is



1 always of paramount concern, but when the patients involved are
2 small children whose age and size render them especially
3 vulnerable to large doses of anesthesia or sedatives, it is even
4 more important to ensure their safety.

5 Additionally, the legislature finds that if certain
6 standards had been in place, the tragic death of three-year old
7 dental patient Finley Boyle could have been prevented. In
8 December of 2013, Finley went to a dentist in Kailua and
9 received the maximum dose of five different sedative drugs.
10 Subsequently, she stopped breathing, and suffered a heart attack
11 and brain damage. She died in hospice a few weeks later. The
12 dentist in question lacked any formal training in administering
13 oral sedatives to a child, but advertised her dental practice as
14 being one "for children". Currently, the administrative rules
15 of the board of dental examiners provide that the board may
16 require an inspection and evaluation of the facilities,
17 equipment, and staffing of those applying for a written
18 authorization or permit to administer general anesthesia, deep
19 sedation, or moderate (conscious) sedation, but the rules do not
20 make such inspections mandatory.

21 The purpose of this Act is to:



1 (1) Require every dental office to display and keep in a
2 conspicuous place a notice containing contact
3 information for the consumer resource center of the
4 department of commerce and consumer affairs' regulated
5 industries complaints office, so that consumers can
6 verify that the dentist is licensed, request prior
7 complaint history on a dentist or dental licensee, or
8 file a complaint against a dentist or dental licensee;
9 and

10 (2) Require the board of dental examiners to ensure that
11 written authorizations or permits for the
12 administration of general anesthesia, deep sedation,
13 or moderate (conscious) sedation are issued only after
14 it has been determined, after inspection and
15 evaluation, that an applicant's facilities, equipment,
16 and staffing are adequate to deal with a patient who
17 may experience medical complications during a
18 procedure.

19 SECTION 2. Chapter 448, Hawaii Revised Statutes, is
20 amended by adding two new sections to be appropriately
21 designated and to read as follows:



1 "§448- Notice to consumers. Every dentist engaged in
2 the practice of dentistry shall display and keep in a
3 conspicuous place at the dentist's place of business a notice no
4 smaller than eight and one-half inches by eleven inches. The
5 notice shall explain that any person may contact the consumer
6 resource center of the department of commerce and consumer
7 affairs' regulated industries complaints office to verify that
8 the dentist is licensed, request prior complaint history on a
9 dentist, or file a complaint against a dentist. The notice
10 shall include all available contact information for the consumer
11 resource center, including a telephone number. The text of all
12 information contained in the notice shall be no smaller than
13 one-half inch high. A dentist who fails to ensure the
14 continuous display of such a notice shall be subject to the
15 penalties provided in this chapter.

16 §448- Inspection of facilities. (a) Prior to issuing
17 or renewing a written authorization or permit, for a licensed
18 dentist to administer or to employ a qualified person to
19 administer general anesthesia, deep sedation, or moderate
20 (conscious) sedation, the board of dental examiners shall, in
21 addition to other requirements established by statute or



1 administrative rule, require an on-site inspection and
 2 evaluation to be conducted of the facilities, equipment, and
 3 personnel of the applicant. The inspection and evaluation shall
 4 be for the purposes of determining whether the applicant's
 5 facilities, equipment, and staffing are adequate to deal with a
 6 patient who may experience medical complications during the
 7 administration of general anesthesia, deep sedation, or moderate
 8 (conscious) sedation. Written authorizations and permits under
 9 this section shall be issued only to those applicants whose
 10 facilities, equipment, and staffing have been deemed adequate.

11 (b) For purposes of this section, the term "adequate"
 12 shall include the adoption of a "Code Blue" or other emergency
 13 plan or protocol for treating a patient who is experiencing
 14 medical complications, including but not limited to monitoring
 15 vital signs, administering antidote medications, calling 911,
 16 and initiating cardiopulmonary resuscitation."

17 SECTION 3. No later than July 1, 2018, the board of dental
 18 examiners shall adopt rules, pursuant to chapter 91, Hawaii
 19 Revised Statutes, to effectuate the purposes of this Act.

20 SECTION 4. New statutory material is underscored.



H.B. NO. 561

1 SECTION 5. This Act shall take effect on July 1, 2017.

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H.B. NO. 564

Report Title:

Dentistry; Consumer Information; Patient Safety; "Finley's Law"

Description:

Requires every dentist to post, in a conspicuous place, a notice containing contact information for the Consumer Resource Center of the Regulated Industries Complaints Office. Requires the Board of Dental Examiners to ensure on-site inspections of the facilities, equipment, and staffing of all applicants seeking written authorizations or permits for the administration of general anesthesia, deep sedation, or moderate (conscious) sedation.

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