

Honolulu, Hawaii

MAR 3 1 2017

RE: H.B. No. 561
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
to which was referred H.B. No. 561, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO DENTISTRY,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require dentists who administer general anesthesia, deep sedation, or moderate (conscious) sedation to post notice of contact information for the Consumer Resource Center, so consumers can verify that the dentist is licensed and holds a current and valid written authorization or permit to administer anesthesia or perform sedation, request prior complaint history on a dentist or dental licensee, or file a complaint against a dentist or dental licensee; and
- (2) Require the Board of Dental Examiners to conduct an on-site inspection of a dentist's facilities, equipment, and personnel as a condition for the dentist to obtain a written authorization or permit to administer, or employ a qualified person to administer, anesthesia or sedation.



Your Committee received testimony in support of this measure from two individuals. Your Committee received comments on this measure from the Regulated Industries Complaints Office of the Department of Commerce and Consumer Affairs, Board of Dental Examiners, and Hawaii Dental Association.

Your Committee finds that this measure requires any dentist who administers general anesthesia, deep sedation, or moderate (conscious) sedation to post notice at the dentist's place of business with contact information for the Regulated Industries Complaints Office's Consumer Resource Center. This notice requirement will ensure that consumers are able to readily identify where they can obtain important consumer protection information.

Your Committee further finds that the administration of general anesthesia, deep sedation, or moderate (conscious) sedation during routine dental procedures can be done safely as part of a routine dental procedure. However, it is important that the facilities, equipment, and staffing of a dental practice that administers these drugs are adequately equipped to respond to a patient who may experience medical complications during a procedure. This measure therefore requires the Board of Dental Examiners (Board) to conduct an on-site inspection of a dentist's facilities, equipment, and personnel as a condition for the dentist to obtain a written authorization or permit to administer anesthesia or sedation or employ a qualified person to do so.

Your Committee has heard testimony from the Board that the Board has made significant amendments to its administrative rules to address major issues regarding anesthesia and sedation and to implement the current guidelines and recommendations of the American Dental Association, American Academy of Pediatrics, and American Academy of Pediatric Dentistry. According to the Board, the existing rules are therefore of a higher standard than the requirements proposed by this measure. Your Committee appreciates these concerns but notes that because of the important consumer protection issues addressed by this measure, it is appropriate for these standards to be set in statute, and thus widely and readily available to all consumers in Hawaii. Amendments to this measure are therefore necessary to adopt certain relevant language from the Board's administrative rules.



Your Committee has amended this measure by:

- (1) Clarifying that the notice to consumers shall state that the information on the special privilege accorded to a dentist to administer general anesthesia, deep sedation, or moderate (conscious) sedation is reported by the Consumer Resource Center upon request;
- (2) Inserting language from the Hawaii Administrative Rules adopted by the Board, related to written authorizations and permits issued to licensed dentists, including:
 - (A) Specifying that a licensed dentist shall administer general anesthesia and sedation consistent with the current guidelines and recommendations of the American Dental Association and the American Academy of Pediatrics and American Academy of Pediatric Dentistry;
 - (B) Specifying that no licensed dentist shall administer, or employ another person to administer, general anesthesia, deep sedation, or moderate (conscious) sedation without possessing a written authorization or permit from the Board;
 - (C) Specifying that a licensed dentist intending to produce a given level of sedation shall have the capability to rescue patients whose level of sedation becomes deeper than initially intended;
 - (D) Requiring a licensed dentist to apply to the Board, pay an application fee, and submit evidence of the following: specific educational training requirements, including completion of the Advanced Cardiac Life Support course or, if treating pediatric patients, the Pediatric Advanced Life Support course; requirements if a dentist employs or works in conjunction with an anesthesiologist or registered nurse anesthetist; and facility and staff requirements;
 - (E) Specifying that the written authorization or permit shall be renewed biennially and requiring a



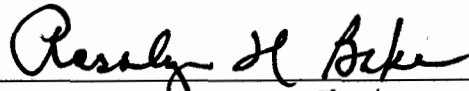
licensed dentist to pay a biennial fee upon renewal; and

- (F) Permitting the Board to reevaluate, at any time, the credentials, facilities, equipment, personnel, and procedures of a licensed dentist to determine if the dentist is still qualified to hold a written authorization or permit, and authorizing the Board to revoke or refuse to renew an authorization or permit if a licensed dentist is no longer qualified;
- (3) Inserting language from the Hawaii Administrative Rules adopted by the Board, related to inspections of facilities, equipment, and personnel, including:
 - (A) Specifying that an inspection of the facility, equipment, and personnel of a licensed dentist is to determine whether the facility and staff requirements have been met and may be carried out in a manner that generally follows the guidelines, standards, requirements, and basic principles in the American Association of Oral and Maxillofacial Surgeons' Office Anesthesia Evaluation Manual; and
 - (B) Clarifying that the inspection and evaluation shall be carried out by a team of consultants appointed by the Board;
- (4) Clarifying that an on-site inspection of the facility, equipment, and personnel of a licensed dentist shall be required prior to the issuance or renewal of a written authorization or permit to administer general anesthesia, deep sedation, or moderate (conscious) sedation;
- (5) Requiring a licensed dentist to show proof of the dentist's written authorization or permit and resuscitation plan prior to the renewal of a written authorization or permit; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.



As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 561, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 561, H.D. 2, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Health,



ROSALYN H. BAKER, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:* HB 561, HD 2	Committee Referral: CPH	Date: 3/14/17		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	/			
NISHIHARA, Clarence K. (VC)	/			
CHANG, Stanley	/			
ESPERO, Will	/			
IHARA, Jr., Les	/			
KIDANI, Michelle N.	/			
RUDERMAN, Russell E.				/
TOTAL	6			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align: center; font-family: cursive; font-size: 1.2em;">Clarence K. Nishihara</div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes