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# 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. Concerns about a practitioner may also arise once a  
6 consumer has begun receiving treatment and the consumer may not  
7 know where to seek information on the practitioner's licensing  
8 status 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 than is currently granted. While the  
13 administration of such drugs can be done safely as part of a  
14 routine dental procedure, it is important that the facilities,  
15 equipment, and staffing of a dental practice that administers  
16 them are adequate to respond to a patient who may experience  
17 medical complications during a 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 better  
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".

15       Currently, the administrative rules of the board of dental  
16 examiners authorize the board to conduct an inspection and  
17 evaluation of the facilities, equipment, and staffing of those  
18 applying for a written authorization or permit to administer  
19 general anesthesia, deep sedation, or moderate (conscious)  
20 sedation, but the rules do not make such inspections mandatory.

21       The purpose of this Act is to:



- 1           (1) Require that every dental office in which general  
2           anesthesia, deep sedation, or moderate (conscious)  
3           sedation is administered display and keep in a  
4           conspicuous place a notice containing contact  
5           information for the consumer resource center of the  
6           department of commerce and consumer affairs' regulated  
7           industries complaints office so that consumers can  
8           verify that the dentist is licensed to administer  
9           anesthesia or perform sedation, request prior  
10          complaint history on a dentist or dental licensee, or  
11          file a complaint against a dentist or dental licensee;  
12          and
- 13          (2) Require the board of dental examiners to ensure that  
14          written authorizations or permits for the  
15          administration of general anesthesia, deep sedation,  
16          or moderate (conscious) sedation are issued only after  
17          a determination based on inspection and evaluation,  
18          that an applicant's facilities, equipment, and  
19          staffing are adequate to respond to a patient who may  
20          experience medical complications during a procedure.



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

4 "§448- Notice to consumers. Every dentist who:  
5 (1) Is engaged in the practice of dentistry; and  
6 (2) Administers general anesthesia, deep sedation, or  
7 moderate (conscious) sedation,  
8 shall display and keep in a conspicuous place at the dentist's  
9 place of business a notice no smaller than eight and one-half  
10 inches by eleven inches. The notice shall explain that any  
11 person may contact the consumer resource center of the  
12 department of commerce and consumer affairs' regulated  
13 industries complaints office to verify that the dentist is  
14 licensed to administer anesthesia or perform sedation, request  
15 prior complaint history on a dentist, or file a complaint  
16 against a dentist. The notice shall include all available  
17 contact information for the consumer resource center, including  
18 a telephone number. The text of all information contained in  
19 the notice shall be no smaller than one-half inch high. A  
20 dentist who fails to ensure the continuous display of such a



1 notice shall be subject to the penalties provided in this  
2 chapter.

3 §448- Inspection of facilities. (a) Prior to issuing  
4 or renewing a written authorization or permit for a licensed  
5 dentist to administer or to employ a qualified person to  
6 administer general anesthesia, deep sedation, or moderate  
7 (conscious) sedation, the board of dental examiners shall, in  
8 addition to other requirements established by statute or  
9 administrative rule, require an on-site inspection and  
10 evaluation of the applicant's facilities, equipment, and  
11 personnel. The inspection and evaluation shall be for the  
12 purposes of determining whether the applicant's facilities,  
13 equipment, and staffing are adequate to respond to a patient who  
14 may experience medical complications during the administration  
15 of general anesthesia, deep sedation, or moderate (conscious)  
16 sedation. Written authorizations and permits subject to this  
17 section shall be issued only to those applicants whose  
18 facilities, equipment, and staffing have been deemed adequate.

19 (b) For purposes of this section, an applicant's  
20 facilities, equipment, and staffing shall not be found adequate  
21 unless, in addition to any other standards or criteria required



1 by the board, the applicant has adopted a "Code Blue" or other  
2 emergency plan or protocol for treating a patient who is  
3 experiencing medical complications, which includes but is not  
4 limited to monitoring vital signs, administering antidote  
5 medications, calling 911, and initiating cardiopulmonary  
6 resuscitation."

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

10 SECTION 4. New statutory material is underscored.

11 SECTION 5. This Act shall take effect on July 1, 2090.



**Report Title:**

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

**Description:**

Requires dentists who administer general anesthesia, deep sedation, or moderate (conscious) sedation to post notice of contact information for verification of the dentist's licensure to administer anesthesia and sedation. Requires inspection of a dentist's facilities, equipment, and staffing as a condition of licensure to administer anesthesia or sedation. (HB561 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

