
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 health care practitioners who hold themselves out to be licensed
5 and duly qualified. Furthermore, concerns about a health care
6 practitioner may arise once a consumer has begun receiving
7 treatment and the consumer may not know where to seek
8 information regarding the practitioner's licensing status or how
9 to access prior complaint history.

10 The legislature further finds that the administration of
11 general anesthesia, deep sedation, or moderate (conscious)
12 sedation during routine dental procedures is a matter that
13 requires greater oversight than is currently required. While
14 the administration of such drugs can be done safely as part of a
15 routine dental procedure, it is important that the facilities,
16 equipment, and staffing of a dental practice that administers
17 these drugs are adequately equipped to respond to a patient who



1 may experience medical complications during a procedure. Safety
2 of patients is always of paramount concern, but is especially
3 important when the patients involved are small children, whose
4 age and size render them especially vulnerable to large doses of
5 anesthesia or sedatives.

6 The legislature additionally finds that if better standards
7 had been in place, the tragic death of three-year old dental
8 patient Finley Boyle could have been prevented. In December of
9 2013, Finley went to a dentist in Kailua and received the
10 maximum dose of five different sedative drugs. Subsequently,
11 she stopped breathing and suffered a heart attack and brain
12 damage. She died in hospice a few weeks later. The dentist in
13 question lacked any formal training in administering oral
14 sedatives to a child, but advertised her dental practice as
15 being one "for children".

16 The legislature notes that the current administrative rules
17 of the board of dental examiners authorize the board to conduct
18 an inspection and evaluation of the facilities, equipment, and
19 personnel of those applying for a written authorization or
20 permit to administer general anesthesia, deep sedation, or



1 moderate (conscious) sedation, but the rules do not make such
2 inspections mandatory.

3 The purpose of this Act is to:

- 4 (1) Require that every dental office in which general
5 anesthesia, deep sedation, or moderate (conscious)
6 sedation is administered display and keep in a
7 conspicuous place a notice containing contact
8 information for the consumer resource center of the
9 department of commerce and consumer affairs' regulated
10 industries complaints office, so that consumers can
11 verify that the dentist is licensed and holds a
12 current and valid written authorization or permit to
13 administer anesthesia or perform sedation, request
14 prior complaint history on a dentist or dental
15 licensee, or file a complaint against a dentist or
16 dental licensee, and that information on the special
17 privilege accorded to a dentist to administer
18 anesthesia or sedation is reported by the consumer
19 resource center upon request;
- 20 (2) Specify the requirements a licensed dentist must meet
21 to administer general anesthesia, deep sedation, or



1 moderate (conscious) sedation, including the
2 requirements that must be met prior to receiving a
3 written authorization or permit for the administration
4 of anesthesia or sedation; and

- 5 (3) Require the board of dental examiners to perform an
6 on-site inspection of the facility, equipment, and
7 personnel of a licensed dentist prior to the issuance
8 or renewal of a written authorization or permit to
9 administer general anesthesia, deep sedation, or
10 moderate (conscious) sedation, including a requirement
11 that a licensed dentist show proof of the dentist's
12 written authorization or permit and resuscitation
13 plan.

14 SECTION 2. Chapter 448, Hawaii Revised Statutes, is
15 amended by adding three new sections to be appropriately
16 designated and to read as follows:

17 "§448-A Notice to consumers. Every dentist who:

- 18 (1) Is engaged in the practice of dentistry; and
19 (2) Administers general anesthesia, deep sedation, or
20 moderate (conscious) sedation,



1 shall display and keep in a conspicuous place at the dentist's
2 place of business a notice no smaller than eight and one-half
3 inches by eleven inches. The notice shall explain that any
4 person may contact the consumer resource center of the
5 department of commerce and consumer affairs' regulated
6 industries complaints office to verify that the dentist is
7 licensed and holds a current and valid written authorization or
8 permit to administer anesthesia or perform sedation, request
9 prior complaint history on a dentist, or file a complaint
10 against a dentist, and that information on the special privilege
11 accorded to a dentist to administer general anesthesia, deep
12 sedation, or moderate (conscious) sedation is reported by the
13 consumer resource center upon request. The notice shall include
14 all available contact information for the consumer resource
15 center, including a telephone number. The text of all
16 information contained in the notice shall be in a font size no
17 smaller than one-half inch. A dentist who fails to ensure the
18 continuous display of such a notice shall be subject to the
19 penalties provided in this chapter.

20 §448-B Administration of general anesthesia and sedation;
21 requirements. (a) A licensed dentist shall administer general



1 anesthesia and sedation consistent with the current guidelines
2 and recommendations of the American Dental Association
3 Guidelines for the Use Of Sedation and General Anesthesia by
4 Dentists; provided that for pediatric patients, a licensed
5 dentist shall follow the American Academy of Pediatrics and
6 American Academy of Pediatric Dentistry Guidelines for
7 Monitoring and Management of Pediatric Patients During and After
8 Sedation for Diagnostic and Therapeutic Procedures.

9 (b) No licensed dentist shall administer or employ another
10 person, such as a physician or nurse anesthetist, who is
11 otherwise qualified in this State to administer general
12 anesthesia, deep sedation, or moderate (conscious) sedation for
13 dental patients, unless the licensed dentist possesses a written
14 authorization or permit from the board.

15 (c) A licensed dentist intending to produce a given level
16 of sedation shall have the capability to rescue patients whose
17 level of sedation becomes deeper than initially intended.

18 (d) Prior to receiving a written authorization or permit
19 from the board to administer general anesthesia, deep sedation,
20 or moderate (conscious) sedation, a licensed dentist shall apply
21 to the board, pay an application fee, and submit the following:



- 1 (1) Proof of completion of the following educational
2 training requirements:
- 3 (A) For general anesthesia and deep sedation:
- 4 (i) The applicant has completed an advanced
5 dental education program, accredited by the
6 Commission on Dental Accreditation and
7 approved by the board, that provides
8 comprehensive training necessary to
9 administer deep sedation or general
10 anesthesia and includes documented
11 proficiency in Basic Life Support for
12 Healthcare Providers and Advanced Cardiac
13 Life Support or Pediatric Advanced Life
14 Support as required pursuant to rules
15 adopted by the board; and
- 16 (ii) Evidence of the comprehensive training
17 required under clause (i) includes but is
18 not limited to: being a diplomate of the
19 American Board of Oral and Maxillofacial
20 Surgery; a fellow or member of the American
21 Association of Oral and Maxillofacial



1 Surgeons; or completion of an American
2 Dental Association-accredited residency in
3 Oral and Maxillofacial Surgery or Dental
4 Anesthesiology, and practicing in compliance
5 with that training;

6 (B) For moderate (conscious) sedation:

7 (i) The applicant has completed a comprehensive
8 training program at the postgraduate level
9 that meets the moderate (conscious) sedation
10 program objectives and content as outlined
11 in the current American Dental Association
12 Guidelines for Teaching Pain Control and
13 Sedation to Dentists and Dental Students;
14 and

15 (ii) The training program required under clause
16 (i) shall be a minimum of sixty hours of
17 instruction, include supervised management
18 of at least twenty moderate (conscious)
19 sedation patients with clinical experience
20 in managing the compromised airway and
21 establishment of intravenous access, and



1 provide current documented proficiency in
2 Basic Life Support for Healthcare Providers
3 and Advanced Cardiac Life Support or
4 Pediatric Advanced Life Support as required
5 pursuant to rules adopted by the board; and

6 (C) A dentist administering general anesthesia or
7 moderate sedation shall be required to complete
8 the Advanced Cardiac Life Support course or, if
9 treating pediatric patients, the Pediatric
10 Advanced Life Support course; provided that both
11 courses shall be completed if the dentist is
12 treating pediatric patients and minors thirteen
13 years or older;

14 (2) In lieu of the requirements of paragraph (1) (A) and
15 (B), proof that the licensed dentist employs or works
16 in conjunction with a physician who specializes in
17 anesthesiology and is licensed pursuant to chapter
18 453, or a certified registered nurse anesthetist, who
19 holds a license in good standing pursuant to chapter
20 457; provided that the physician who specializes in
21 anesthesiology or certified registered nurse



1 anesthetist shall remain on the premises of the dental
2 facility until the patient is fully recovered and
3 discharged from the facility; and

4 (3) Proof of the following facility and staff

5 requirements: The applicant has a properly equipped
6 facility for the administration of general anesthesia,
7 deep sedation, or moderate (conscious) sedation
8 staffed with a supervised team of auxiliary personnel
9 capable of reasonably handling anesthesia procedures,
10 problems, and emergencies incident to the
11 administration of general anesthesia, deep sedation,
12 or moderate (conscious) sedation; provided that the
13 current version of the American Dental Association's
14 Guidelines for the Use of Sedation and General
15 Anesthesia by Dentists and the most current edition of
16 the American Association of Oral and Maxillofacial
17 Surgeons' Office Anesthesia Evaluation Manual are
18 referenced as minimum standards of care; provided
19 further that adequacy of the facility and competence
20 of the anesthesia team may be determined by the



1 consultants appointed by the board as provided in
2 rules adopted by the board.

3 (e) A licensed dentist who has received a written
4 authorization or permit pursuant to this section to administer
5 or employ a qualified person to administer general anesthesia,
6 deep sedation, or moderate (conscious) sedation shall renew the
7 authorization or permit biennially and pay a biennial fee. As a
8 condition of renewal, the licensed dentist shall show proof of
9 the dentist's written authorization or permit issued pursuant to
10 this section and resuscitation plan.

11 (f) The board may, at any time, reevaluate the
12 credentials, facilities, equipment, personnel, and procedures of
13 a licensed dentist who has previously received a written
14 authorization or permit from the board to determine if the
15 dentist is still qualified to have a written authorization or
16 permit. If the board determines that the licensed dentist is no
17 longer qualified to have a written authorization or permit, it
18 may revoke or refuse to renew the authorization or permit, after
19 an opportunity for a hearing is given to the licensed dentist.

20 §448-C Inspection of facilities, equipment, and personnel.

21 (a) Prior to the issuance or renewal of a written authorization



1 or permit pursuant to section 448-B, the board shall, in
2 addition to other requirements established by statute or
3 administrative rule, require an on-site inspection of the
4 facility, equipment, and personnel to determine whether the
5 facility and staff requirements pursuant to section 448-B(d)
6 have been met. The inspection to determine whether the facility
7 is adequate and properly equipped may be carried out in a manner
8 that generally follows the guidelines, standards, requirements,
9 and basic principles as described in the most current edition of
10 the American Association of Oral and Maxillofacial Surgeons'
11 Office Anesthesia Evaluation Manual. The inspection and
12 evaluation shall be carried out by a team of consultants
13 appointed by the board.

14 (b) Written authorizations and permits subject to section
15 448-B shall be issued only to those applicants whose facilities,
16 equipment, and personnel have been deemed adequate pursuant to
17 this section."

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



1 SECTION 4. In codifying the new sections added by section
2 2 of this Act, the revisor of statutes shall substitute
3 appropriate section numbers for the letters used in designating
4 the new sections in this Act.

5 SECTION 5. New statutory material is underscored.

6 SECTION 6. This Act shall take effect on July 1, 2090.

7



Report Title:

Dentistry; Consumer Information; Patient Safety; Anesthesia;
Sedation; Inspections; "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, and authorization and permit, to administer anesthesia and sedation. Specifies requirements a licensed dentist must meet in order to administer anesthesia or sedation, including requirements that must be met prior to receiving a written authorization or permit for the administration of anesthesia or sedation. Requires inspection of a dentist's facilities, equipment, and personnel prior to the issuance or renewal of a written authorization or permit to administer anesthesia or sedation. Effective 7/1/2090. (SD1)

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